

FEDERAL REGISTER

THE NATIONAL ARCHIVES
LITTECA
SCRIPTA
MANET
1934
OF THE UNITED STATES

VOLUME 20 NUMBER 241

Washington, Tuesday, December 13, 1955

TITLE 3—THE PRESIDENT EXECUTIVE ORDER 10648

RESTORING CERTAIN LANDS COMPRISING PORTIONS OF THE FORT RUGER MILITARY RESERVATION TO THE JURISDICTION OF THE TERRITORY OF HAWAII

WHEREAS certain lands at Kapahulu, Honolulu, Island of Oahu, Territory of Hawaii, which form a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750, were reserved for military purposes of the United States and constitute a part of Tract No. 1 of the Fort Ruger Military Reservation, described by Executive Order No. 6408 of November 7, 1933, as modified by Executive Orders No. 6468 of November 29, 1933, No. 10268 of July 5, 1951, No. 10453 of May 18, 1953, and No. 10496 of October 14, 1953; and

WHEREAS portions of such lands are needed by the Territory of Hawaii for National Guard, Air National Guard, and civil-defense purposes; and

WHEREAS present military requirements are sufficiently provided for by the terms and provisions of this order; and

WHEREAS it is deemed advisable and in the public interest that Parcels 1 to 6 inclusive, hereinafter described, comprising portions of Tract No. 1, referred to in the first paragraph of this order, be restored to the possession, use, and control of the Territory of Hawaii, subject to the limitations hereinafter set forth:

NOW THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered as follows:

PART I

The following-described parcels of land, located at Kapahulu, Honolulu, Island of Oahu, Territory of Hawaii, comprising portions of Tract No. 1 of Fort Ruger Military Reservation, are hereby restored to the possession, use, and control of the Territory of Hawaii (hereinafter referred to as the Territory) subject to the limitations hereinafter set forth:

PARCEL 1

Beginning at concrete monument No. 1-J (brass plate set in coral) of Fort Ruger Military

Reservation, at the northeast corner of this parcel of land, being also the initial point of Land Court Application 1453 and located on the boundary of B. P. Bishop land (as shown on map by Department Engineer's Office, entitled "Fort Ruger Military Reservation" dated June 25, 1933, File Number 6-1-25 F. 33, Case A"), the coordinates of the said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 1205.18 feet North and 6916.49 feet East, thence running by azimuths measured clockwise from True South:

1. 32° 09' 10" 197.98 feet along B. P. Bishop land to concrete monument No. 1-H;
2. 347° 49' 45" 70.77 feet along B. P. Bishop land to concrete monument No. 1-G;
3. 8° 09' 20" 129.93 feet along B. P. Bishop land to concrete monument No. 1-F;
4. 27° 35' 30" 239.96 feet along B. P. Bishop land to concrete monument No. 1-E;
5. 65° 29' 35" 64.63 feet along B. P. Bishop land to concrete monument No. 1-D;
6. 53° 03' 50" 428.92 feet along B. P. Bishop land to concrete monument No. 1-C;
7. 64° 14' 50" 434.68 feet along B. P. Bishop land to concrete monument No. 1-B;
8. 346° 49' 30" 141.43 feet along B. P. Bishop land to concrete monument No. 26-Q, from which the true azimuth and distance to a concrete monument known as secondary triangulation Station "KUPIKIPIKIO" established by the Department of Engineer's Office, is 346° 49' 30" 171.42 feet and from said "KUPIKIPIKIO" Station, the true azimuths and distances to Government Survey Triangulation Stations are as follows:

- (a) to "LEAHI" 91° 26' 51" 5975.54 feet;
- (b) to "KALEPEAMO" 192° 21' 09" 14504.89 feet;
9. 77° 43' 45" 402.95 feet along the north side of Kahala Avenue to concrete monument No. 26-P;
10. 78° 51' 20" 981.50 feet along the north side of Kahala Avenue to concrete monument No. 26-O;

Thence along the north side of Diamond Head Road for the next fourteen (14) courses, described as follows:

11. 76° 37' 00" 378.94 feet to concrete monument No. 26-N;
12. Thence on a curve to the left having a radius of .693.69 feet, the chord azimuth and distance being: 64° 57' 00" 244.15 feet to concrete monument No. 26-M;
13. 53° 17' 00" 318.61 feet to concrete monument No. 26-L;
14. Thence on a curve to the right having a radius of 686.78 feet, the chord azimuth and distance being: 61° 33' 27" 197.29 feet to concrete monument No. 26-K;
15. 69° 47' 55" 558.20 feet to concrete monument No. 26-J;

(Continued on p. 9289)

CONTENTS

THE PRESIDENT

Executive Order	Page
Restoring certain lands comprising portions of the Fort Ruger Military Reservation to the jurisdiction of the Territory of Hawaii.....	9287

EXECUTIVE AGENCIES

Agricultural Marketing Service	
Proposed rule making:	
Milk in Chicago, Ill., marketing area; handling of.....	9312
Processed fruits and vegetables, processed products thereof, and certain other processed products; inspection and certification.....	9311
Rules and regulations:	
Oranges, navel, grown in Arizona and designated part of California; limitation of handling.....	9298
Agriculture Department	
See Agricultural Marketing Service; Commodity Credit Corporation; Farmers Home Administration.	
Army Department	
Rules and regulations:	
Gratuity upon death; miscellaneous amendments.....	9302
National Guard regulations; enlisted men; miscellaneous amendments.....	9303
Civil Aeronautics Administration	
Rules and regulations:	
Civil airways, designation of.....	9298
Control areas, control zones, and reporting points; designation of.....	9300
Restricted areas; amendment.....	9301
Civil Aeronautics Board	
Notices:	
British Overseas Airways Corp., prehearing conference.....	9320
Proposed rule making:	
Aircraft maximum weight with altitude; variation.....	9312
Civil Service Commission	
Rules and regulations:	
Noncompetitive acquisition of competitive status; overseas positions.....	9292



Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

Now Available

UNITED STATES GOVERNMENT ORGANIZATION MANUAL

1955-56 Edition

(Revised through June 1)

Published by the Federal Register Division,
the National Archives and Records Service,
General Services Administration

768 pages—\$1.00 a copy

Order from Superintendent of Documents,
United States Government Printing Office,
Washington 25, D. C.

CONTENTS—Continued

Commerce Department	Page
See Civil Aeronautics Administration.	
Committee for Reciprocity Information	
Notices:	
Cuban products; possible adjustment in preferential rates.....	9318
Commodity Credit Corporation	
Notices:	
Sales of certain commodities; Dec. 1955 monthly sales list.....	9314

CONTENTS—Continued

Commodity Credit Corporation—Continued	Page
Rules and regulations:	
Farm storage facilities.....	9298
Grains and related commodities (2 documents).....	9297, 9298
Customs Bureau	
Notices:	
Commissioner of Customs; delegation of authority to take final action in certain penalty cases.....	9320
Rules and regulations:	
Enforcement of customs and navigation laws.....	9301
Liability for duties, entry of imported merchandise; perfumes.....	9301
Transportation in bond and merchandise in transit; shipment of baggage in bond.....	9301
Defense Department	
See Army Department.	
Farmers Home Administration	
Rules and regulations:	
Routine; account servicing policies.....	9293
Federal Communications Commission	
Notices:	
Hearings, etc..	
Hazard Broadcasting Corp. and Perry County Broadcasting Co.....	9321
Hill, Harry Laurence, and Arline S. Hodgins.....	9321
Miners Broadcasting Service, Inc., et al.....	9322
Mooney, B. H., et al.....	9321
Musser Broadcasting Co. et al.....	9321
Radio KYNO, The Voice of Fresno (KYNO) and Wrather - Alvarez Broadcasting, Inc. (FKMB).....	9321
Shea, John F., and Greenville Broadcasting Corp. (WGYV).....	9322
Stone, Charles W.....	9322
Williamsport Radio Broadcasting Associates, Inc. (WARC).....	9322
WWSW Inc., and Pittsburgh Radio Supply House, Inc.....	9320
Federal Power Commission	
Notices:	
Hearings, etc..	
Anderson-Prichard Oil Corp. Bolton, Edward C.....	9324
City of Franklin, Ga.....	9324
Hawley, John B., Jr.....	9324
Mizel, Morris, et al.....	9323
Montana-Dakota Utilities Co. et al.....	9325
Nelson Bunker Hunt Trust Estate.....	9323
General Services Administration	
Notices:	
Secretary of Defense; delegation of authority to represent the interests of Federal Government.....	9316

CONTENTS—Continued

Health, Education, and Welfare Department	Page
Rules and regulations:	
Allocation and utilization of surplus personal property for educational purposes and public health purposes.....	9307
Minimum standards of operation for State agencies for surplus property and appropriate State officials.....	9309
Interdepartmental Committee on Trade Agreements	
Notices:	
Cuban products, possible adjustment in preferential rates.....	9316
Interior Department	
See Land Management Bureau.	
Land Management Bureau	
Notices:	
Alaska; proposed withdrawal and reservation of lands.....	9313
Rules and regulations:	
Rights-of-way for pipe lines on outer continental shelf....	9306
Small Business Administration	
Notices:	
Virginia; declaration of disaster area.....	9325
Tariff Commission	
Notices:	
Supplemental list of articles for consideration in proposed trade agreement negotiations with contracting parties of GATT.....	9319
Treasury Department	
See also Customs Bureau.	
Notices:	
Public Service Mutual Insurance Co., New York; surety company acceptable on Federal bonds.....	9320
CODIFICATION GUIDE	
A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.	
Title 3	Page
Chapter II (Executive orders)	
10648.....	9287
6408 (see EO 10648).....	9287
Title 5	
Chapter I:	
Part 3.....	9292
Title 6	
Chapter III:	
Part 361.....	9293
Chapter IV:	
Part 421 (2 documents)....	9297, 9298
Part 474.....	9298
Title 7	
Chapter I:	
Part 52 (proposed).....	9311
Chapter IX:	
Part 914.....	9298
Part 941 (proposed).....	9312

CODIFICATION GUIDE—Con.

Title 14	Page
Chapter I.	
Parts 40-43 (proposed)	9312
Chapter II.	
Part 600	9298
Part 601	9300
Part 608	9301
Title 19	
Chapter I.	
Part 8	9301
Part 18	9301
Part 23	9301
Title 32	
Chapter V.	
Part 533	9302
Chapter XI:	
Part 1101	9303
Title 43	
Chapter I.	
Part 202	9306
Title 45	
Subtitle A.	
Part 13	9307
Part 14	9309

16. 65° 38' 33" 1067.58 feet to concrete monument No. 26-I;
17. Thence on a curve to the right having a radius of 543.69 feet, the chord azimuth and distance being: 76° 15' 07" 200.20 feet to concrete monument No. 26-H;
18. 86° 51' 41" 285.85 feet to concrete monument No. 26-G;
19. Thence on a curve to the right having a radius of 686.78 feet, the chord azimuth and distance being: 93° 35' 48" 161.03 feet to concrete monument No. 26-F;
20. 100° 19' 55" 1319.22 feet to a 1½-inch galvanized iron pipe marking concrete monument No. 26-E;
21. Thence on a curve to the left having a radius of 603.69 feet, the chord azimuth and distance being: 91° 31' 46" 184.77 feet to concrete monument No. 26-D;
22. 82° 43' 36" 206.27 feet to concrete monument No. 26-C;
23. Thence on a curve to the right having a radius of 380.28 feet, the chord azimuth and distance being: 96° 57' 30" 186.97 feet to concrete monument No. 26-B;
24. 111° 11' 24" 22.75 feet to concrete monument No. 26-A;
25. 124° 30' 00" 635.89 feet along reservation boundary to concrete monument No. 26;
26. 213° 18' 10" 200.69 feet along reservation boundary to concrete monument No. 25;
27. 212° 00' 00" 269.00 feet along reservation boundary to concrete monument No. 24;
28. 307° 00' 00" 610.00 feet along Parcel 6;
29. 280° 00' 00" 1290.00 feet along Parcel 6;
30. 271° 00' 00" 1410.00 feet along Parcel 6;
31. 250° 00' 00" 680.00 feet along Parcel 6;
32. 241° 00' 00" 320.00 feet along Parcel 6;
33. 231° 00' 00" 320.00 feet along Parcel 6;
34. 216° 00' 00" 1482.80 feet along Parcel 6;
35. 287° 20' 00" 212.50 feet along Parcel 6;
36. 305° 25' 00" 640.00 feet along Parcel 6;
37. 300° 00' 00" 280.00 feet along Parcel 6;
38. 240° 00' 00" 540.00 feet along Parcel 6;
39. 226° 00' 00" 140.00 feet along Parcel 6;
40. 205° 00' 00" 480.00 feet along Parcel 6;
41. 119° 00' 00" 580.00 feet along Parcel 6;
42. 208° 00' 00" 620.00 feet along Parcel 6;
43. 303° 04' 00" 1110.00 feet to the point of beginning; and containing an area of 87.143 acres.

Excepting and reserving to the United States of America Easement A, described in Part II of this order.

PARCEL 2

Beginning at the northerly corner of this parcel of land, the true azimuth and distance from concrete monument No. 10 of Fort Ruger Military Reservation (as shown on map by Department Engineer's Office, entitled "Fort Ruger Military Reservation", dated June 25, 1933, File Number 6-1-25 F. 33, Case "A") being 41° 03' 50" 9.50 feet, and the coordinates of the said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 3004.21 feet North and 565.87 feet East, thence running by azimuths measured clockwise from True South:

1. 320° 52' 00" 51.38 feet along Diamond Head Reservoir Lot (restored to the Territory by Presidential Executive Order No. 6468, dated November 29, 1933);
2. 320° 52' 00" 25.00 feet along former right-of-way for pipeline and roadway purposes (designated as Parcel No. II in Presidential Executive Order No. 10453, dated May 18, 1953, which restored such parcel to the Territory);
3. 320° 52' 00" 14.92 feet along Diamond Head Reservoir Lot (restored to the Territory by Presidential Executive Order No. 6468, dated November 29, 1933);
4. 41° 08' 50" 130.00 feet along same;
5. 311° 08' 50" 430.00 feet along same;
6. 234° 49' 13" 318.81 feet along same;
7. 333° 08' 40" 80.00 feet along Tract 1-C;
8. 57° 16' 00" 1100.42 feet along Parcel 6;
9. 37° 30' 00" 900.00 feet along Parcel 6;
10. 30° 00' 00" 1590.00 feet along Parcel 6;
11. 40° 14' 00" 312.27 feet along Reservoir Site (restored to the Territory by Executive Order No. 1377, dated June 26, 1911);
12. 130° 14' 00" 81.46 feet along land designated as Tract No. 1 in Presidential Executive Order No. 10263, dated July 5, 1951 (which restored such tract to the Territory) to concrete monument No. 18;
13. 162° 31' 20" 364.95 feet along reservation boundary to concrete monument No. 12-B;
14. 209° 57' 20" 705.81 feet along reservation boundary to concrete monument No. 12-A;
15. 207° 13' 00" 1072.00 feet along reservation boundary to concrete monument No. 12;
16. 224° 30' 00" 931.86 feet along reservation boundary to concrete monument No. 11;
17. 221° 18' 50" 841.34 feet along reservation boundary to the point of beginning; and containing an area of 35.653 acres.

PARCEL 3

Beginning at concrete monument No. 8 of Fort Ruger Military Reservation, at the northwest corner of this parcel of land (as shown on map by Department Engineer's Office, entitled "Fort Ruger Military Reservation" dated June 25, 1933, File Number 6-1-25 F. 33, Case "A"), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 3666.64 feet North and 1374.85 feet East, thence running by azimuths measured clockwise from True South:—

1. 264° 38' 50" 694.58 feet along reservation boundary;
2. 359° 00' 00" 191.09 feet along Parcel 6;
3. 90° 27' 00" 361.62 feet along Tract 1-C;
4. Thence along Tract 1-C on a curve to the right having a radius of 2090.00 feet, the chord azimuth and distance being: 94° 43' 30" 311.59 feet;
5. 99° 00' 00" 195.85 feet along Tract 1-C;
6. 149° 35' 30" 56.17 feet along reservation boundary to the point of beginning; and containing an area of 2.716 acres.

Excepting and reserving to the United States of America Easements B, C, and D, described in Part II of this order, and further reserving to the United States of America a

right-of-way along the south boundary of Parcel 3 for ingress to and egress from the tracts remaining in Fort Ruger Military Reservation (Part III of this order) until such time as the strip of land along the said south boundary shall be constituted a public street.

PARCEL 4

Beginning at concrete monument No. 3 of Fort Ruger Military Reservation at the north corner of this parcel of land, located on the west corner of the intersection of Puu Panini Avenue (formerly known as Diamond Head Avenue) and 18th Avenue (as shown on map by Department Engineer's Office, entitled "Fort Ruger Military Reservation" dated June 25, 1933, File Number 6-1-25 F. 33, Case "A"), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 2,918.41 feet North and 4,234.06 feet East, thence running by azimuths measured clockwise from True South:—

1. 303° 04' 00" 50.26 feet along the south-west side of Puu Panini Avenue (formerly known as Diamond Head Avenue);
2. 28° 30' 00" 136.81 feet along Tract 1-D;
3. Thence along Tract 1-D on a curve to the left having a radius of 72.85 feet, the chord azimuth and distance being: 352° 36' 00" 85.45 feet;
4. Thence along Parcel 6 on a curve to the left having a radius of 974.74 feet, the chord azimuth and distance being: 132° 12' 30" 162.67 feet;
5. 127° 43' 00" 16.03 feet along Parcel 6;
6. Thence along Parcel 6 on a curve to the left having a radius of 50.00 feet, the chord azimuth and distance being: 259° 03' 30" 76.16 feet;
7. 203° 30' 00" 122.40 feet along Parcel 6 to the point of beginning; and containing an area of 0.270 acres.

Excepting and reserving to the United States of America Easement E, described in Part II of this order.

PARCEL 5

Beginning at the northwest corner of this parcel of land, the west corner of the intersection of 22nd Avenue and Puu Panini Avenue (formerly known as Diamond Head Avenue), the true azimuth and distance from concrete monument 1-J (brass plate set in coral) of Fort Ruger Military Reservation (as shown on map by Department Engineer's Office, entitled "Fort Ruger Military Reservation" dated June 25, 1933, File Number 6-1-25 F. 33, Case "A") being 123° 04' 00" 1729.34 feet, and the coordinates of said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 2149.73 feet North and 5469.24 feet East, thence running by azimuths measured clockwise from True South:—

1. 303° 04' 00" 50.16 feet along the southwest side of Puu Panini Avenue (formerly known as Diamond Head Avenue);
2. 23° 30' 00" 754.26 feet along Parcel 6;
3. Thence along Parcel 6 on a curve to the left having a radius of 50.00 feet, the chord azimuth and distance being: 2° 20' 00" 44.10 feet;
4. 156° 10' 00" 163.50 feet along Parcel 6;
5. Thence along Parcel 6 on a curve to the left having a radius of 50.00 feet, the chord azimuth and distance being: 272° 20' 00" 83.75 feet;
6. 203° 30' 00" 642.46 feet along Parcel 6 to the point of beginning; and containing an area of 0.923 acres.

Excepting and reserving to the United States of America Easement F, described in Part II of this order.

PARCEL 6

Beginning at the northeast corner of this parcel of land, the true azimuth and dis-

tance to concrete monument 1-J (brass plate set in coral) of Fort Ruger Military Reservation (as shown on map by Department Engineer's Office, entitled "Fort Ruger Military Reservation" dated June 25, 1933, File No. 6-1-25 F. 33, Case "A") being 303° 04' 1110.00 feet, and the coordinates of said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 1810.81 feet North and 5985.27 feet East, thence running by azimuths measured clockwise from True South:—

1. 28° 00' 00" 620.00 feet along Parcel 1;
2. 299° 00' 00" 580.00 feet along Parcel 1;
3. 25° 00' 00" 480.00 feet along Parcel 1;
4. 46° 00' 00" 140.00 feet along Parcel 1;
5. 60° 00' 00" 540.00 feet along Parcel 1;
6. 120° 00' 00" 280.00 feet along Parcel 1;
7. 125° 25' 00" 640.00 feet along Parcel 1;
8. 107° 20' 00" 212.50 feet along Parcel 1;
9. 36° 00' 00" 1482.80 feet along Parcel 1;
10. 51° 00' 00" 320.00 feet along Parcel 1;
11. 61° 00' 00" 320.00 feet along Parcel 1;
12. 70° 00' 00" 680.00 feet along Parcel 1;
13. 91° 00' 00" 1410.00 feet along Parcel 1;
14. 100° 00' 00" 1290.00 feet along Parcel 1;
15. 127° 00' 00" 610.00 feet along Parcel 1 to concrete monument No. 24;
16. 115° 35' 00" 222.00 feet along reservation boundary to concrete monument No. 23;
17. 205° 21' 35" 195.54 feet along Reservoir Site (restored to the Territory by Part II of Presidential Executive Order No. 1377, dated June 26, 1911) to concrete monument No. 22;
18. 116° 32' 40" 280.34 feet along same to concrete monument No. 21;
19. 210° 00' 00" 1590.00 feet along Parcel 2;
20. 217° 30' 00" 900.00 feet along Parcel 2;
21. 237° 16' 00" 1100.42 feet along Parcel 2;
22. 252° 00' 00" 790.00 feet along Tract 1-C;
23. 264° 30' 00" 780.00 feet along Tract 1-C;
24. 148° 00' 00" 480.00 feet along Tract 1-C;
25. 145° 20' 00" 204.04 feet along Tract 1-C;
26. 90° 27' 00" 46.93 feet along Tract 1-C;
27. 179° 00' 00" 191.08 feet along Parcel 3;
28. 264° 38' 50" 649.78 feet along reservation boundary to concrete monument No. 7;
29. 303° 02' 50" 1636.30 feet along Tract 1-A to concrete monument No. 3;
30. 28° 30' 00" 122.40 feet along the northwest side of Parcel 4;
31. Thence along the north side of Parcel 4 on a curve to the right having a radius of 50.00 feet, the chord azimuth and distance being: 78° 08' 30" 76.16 feet;
32. 307° 43' 00" 16.09 feet along the southwest end of Parcel 4;
33. Thence along the southwest end of Parcel 4 on a curve to the right having a radius of 974.74 feet, the chord azimuth and distance being: 312° 12' 30" 152.67 feet;
34. 316° 42' 00" 377.00 feet along Tract 1-D;
35. 221° 30' 00" 293.42 feet along Tract 1-D;
36. 303° 04' 00" 878.65 feet along the southwest side of Puu Panini Avenue (formerly known as Diamond Head Avenue);
37. 28° 30' 00" 642.46 feet along the northwest side of Parcel 5;
38. Thence along the north side of Parcel 5 on a curve to the right having a radius of 50.00 feet, the chord azimuth and distance being: 92° 20' 00" 89.75 feet;
39. 336° 10' 00" 189.50 feet along the southwest end of Parcel 5;
40. Thence along the east side of Parcel 5 on a curve to the right having a radius of 50.00 feet, the chord azimuth and distance being: 182° 20' 00" 44.10 feet;
41. 208° 30' 00" 754.26 feet along the southeast side of Parcel 5;
42. 303° 04' 00" 569.18 feet along the southwest side of Puu Panini Avenue (formerly known as Diamond Head Avenue) to the point of beginning.

Excluding, however, Tract 1-B, described in Part III of this order, leaving an area in

Parcel 6 of 470.246 acres (the gross area encompassed within the metes and bounds of courses 1-42 being 473.187 acres and the area of Tract 1-B being 2.941 acres, leaving a net area of 470.246 acres).

Excepting and reserving to the United States of America rights-of-way crossing Parcel 6 at such locations as shall be mutually agreed upon between the Commanding General, United States Army of the Pacific, and the Adjutant General of the Territory or other head of the territorial department having the principal use and control of Parcel 6, for cable lines, for utilities of the United States of America or its licensees serving the tracts remaining in Fort Ruger Military Reservation (Part III of this order), and for ingress to and egress from the said tracts.

Provided, that until and unless otherwise permitted by the Department of the Army, Parcel 6 shall be used for National Guard, Air National Guard, or civil-defense purposes only. If without such permission Parcel 6 shall be used for other purposes, in whole or in part, and such other use shall continue for a period of sixty days after notice to cease and desist therefrom, then Parcel 6, or the portion thereof in such other use, as the case may be, shall revert to the jurisdiction and control of the Department of the Army.

PART II

1. There are reserved and set aside to the United States of America rights-of-way as follows:

EASEMENT A

Being a strip of land five (5.00) feet wide crossing Parcel 1, and extending two and one-half (2.50) feet on each side of the following-described centerline:

Beginning at the south end of this centerline, on the north side of Kahala Avenue, the true azimuth and distance from concrete monument No. 26-Q at the end of Course No. 8 of the description of Tract I being: 77° 43' 45" 9.21 feet and running by azimuths measured clockwise from True South:—

1. 166° 15' 00" 103.01 feet;
2. 169° 44' 00" 148.68 feet;
3. 167° 37' 00" 112.62 feet;
4. 166° 37' 00" 18.36 feet;
5. 163° 29' 00" 28.34 feet to the north end of this centerline at the easterly boundary of Parcel 6; and containing an area of 2055 Square Feet or 0.047 acre.

EASEMENT B

Being a strip of land ten (10.00) feet wide crossing Parcel 3, and extending five (5.00) feet on each side of the following-described centerline:

Beginning at the west end of this centerline, on the south side of Parcel 3, the coordinates of the said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 3565.18 feet North and 1805.19 feet East, thence running by azimuths measured clockwise from True South:—

1. 262° 39' 00" 5.76 feet;
2. 264° 26' 00" 158.53 feet;
3. 270° 58' 00" 159.84 feet;
4. 272° 30' 50" 140.27 feet to the east boundary of Parcel 3; and containing an area of 0.107 acre.

EASEMENT C

Being a strip of land five (5.00) feet wide crossing Parcel 3, and extending two and one-half (2.50) feet on each side of the following-described centerline:

Beginning at the west end of the centerline, on the south side of Parcel 3, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 3566.18 feet North and 1788.70 feet East, thence running by azimuths measured clockwise from True South:—

1. 260° 30' 00" 210.84 feet;
2. 275° 36' 00" 273.27 feet to the east boundary of Parcel 3; and containing an area of 0.056 acre.

EASEMENT D

Being a strip of land ten (10.00) feet wide crossing Parcel 3, and extending five (5.00) feet on each side of the following-described centerline:

Beginning at the west end of this centerline, on the south side of Parcel 3, the coordinates of the said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 3567.16 feet North and 1774.36 feet East, thence running by azimuths measured clockwise from True South:—

1. 189° 55' 00" 37.77 feet;
2. 270° 32' 00" 442.50 feet;
3. 270° 27' 00" 44.80 feet to the east boundary of Parcel 3; and containing an area of 0.121 acre.

EASEMENT E

Section 1—Being a strip of land ten (10.00) feet wide crossing Parcel 4, and extending five (5.00) feet on each side of the following-described centerline:

Beginning at the north end of this centerline, on the northwest side of Parcel 4, the true azimuth and distance from concrete monument No. 3 at the initial point of the above-described Parcel 4 being: 28° 30' 00" 110.74 feet and running by azimuths measured clockwise from True South:—

1. 355° 40' 00" 100.35 feet to the northerly side of Parcel 6; and containing an area of 0.023 acre.

Section 2—Being a strip of land ten (10.00) feet wide crossing Parcel 4, and extending five (5.00) feet on each side of the following-described centerline:

Beginning at the east end of this centerline, on the southwest side of Puu Panini Avenue (formerly known as Diamond Head Avenue), the true azimuth and distance from concrete monument No. 3 at the initial point of the above-described description being: 303° 04' 00" 13.20 feet and running by azimuths measured clockwise from True South:—

1. 39° 45' 00" 67.44 feet to the northwest side of Parcel 4; and containing an area of 0.015 acre.

EASEMENT F

Being a strip of land ten (10.00) feet wide crossing Parcel 5, and extending five (5.00) feet on each side of the following-described centerline:

Beginning at the west end of this centerline, on the northwest side of Parcel 5, the true azimuth and distance from the initial point of the above-described Parcel 5 being: 28° 30' 00" 75.40 feet and running by azimuths measured clockwise from True South:—

1. 332° 42' 00" 3.06 feet;
2. 289° 14' 00" 48.10 feet to the southeast side of Tract V; and containing an area of 0.012 acre.

2. The premises above described as "Easement A" and "Easement C" shall be used only for underground cable lines for the Signal Corps, the premises above described as "Easement B" shall be used only for underground water lines serving Tract 1-C, described in Part III of this order, and the premises above described as "Easement E" and "Easement F" shall be used only for underground sewer lines serving the tracts remaining in Fort Ruger Military Reservation (Part III of this order), including in each case the construction, use, inspection, main-

tenance, replacement and removal thereof and of necessary facilities therefor.

3. The Territory of Hawaii and the City & County of Honolulu, or either of them, shall have the right to relocate the aforesaid cable lines, water lines, sewer lines and facilities at no cost to the United States of America, provided that such relocation shall be acceptable to the Commanding General, United States Army of the Pacific, and that the United States of America shall be furnished a map showing the new location of the lines and facilities, whereupon Easement A, Easement B, Easement C, Easement E, or Easement F, as the case may be, shall be deemed to be re-established at such new location.

4. In the event the enjoyment of Easement A, B, C, E, or F by the United States requires excavation or other disturbance of the surface, the premises shall, so far as and as soon as possible, be restored by the United States to the condition in which they existed prior to the commencement of such work.

5. The Territory of Hawaii and the City & County of Honolulu, or either of them, shall have the right to improve and use the surface of the premises above described as "Easement A" "Easement B" "Easement C" "Easement E" and "Easement F", as and for public roads, and if heretofore or hereafter so improved and so used the United States of America shall comply with all laws, regulations and ordinances of the Territory of Hawaii and City & County of Honolulu relating to excavation or other disturbance of the surface of a public road unless in conflict with the laws of the United States, and the United States of America shall plan any such excavation or other disturbance so as to cause a minimum amount of interference with traffic on the road.

6. The premises above described as "Easement D" shall be used only for overhead electric-light and power lines serving Tract 1-C, including the construction, use, inspection, maintenance, replacement and removal thereof, and of necessary facilities therefor, by the United States of America or its licensees.

7. The facilities of the United States of America and its licensees, installed or maintained in the enjoyment of Easement D, shall be so placed and regulated that at no cost to the Territory of Hawaii or City & County of Honolulu there shall be an unobstructed strip of land forty feet wide lying along the south boundary of Parcel 3, for use as a public street.

8. The Territory of Hawaii and the City & County of Honolulu, or either of them, shall have the right to relocate the electric-light and power lines and facilities installed or maintained in the enjoyment of Easement D, which relocation shall, save in case of non-compliance with paragraph 7, be at no cost to the United States of America and be acceptable to the Commanding General, United States Army of the Pacific. In the event of such relocation the United States of America shall be furnished a map showing the new location of the electric-light and power lines and facilities,

whereupon Easement D shall be deemed to be re-established at such new location.

9. Save as required for the enjoyment of the easements reserved and set aside to the United States of America by this order, the premises above described as "Easement A" shall form a part of Parcel 1, the premises above described as "Easement B" "Easement C", and "Easement D" shall form a part of Parcel 3, the premises above described as "Easement E" shall form a part of Parcel 4, and the premises above described as "Easement F" shall form a part of Parcel 5.

PART III

The true intent and meaning of this order are that, after restoring to the Territory of Hawaii Parcels 1 to 6 inclusive, there shall remain of the land reserved for military purposes, described by Executive Order No. 6408 of November 7, 1933, as modified by Executive Orders No. 6468 of November 29, 1933, No. 10263 of July 5, 1951, No. 10453 of May 18, 1953, and No. 10496 of October 14, 1953, the following constituting the Fort Ruger Military Reservation:

1. Portions of Tract No. 1 (so designated and described by Executive Order No. 6408 of November 7, 1933), located at Kapahulu, Honolulu, Island of Oahu, Territory of Hawaii, and described as follows:

TRACT 1-A

Being the area bounded by Makapuu, Kilauea, and 18th Avenues and the south side of Diamond Head Avenue (abandoned). Being all of the lands conveyed to the United States of America as follows: (a) Blocks C3, 69, 75, 81, 82, 88, 89, 95, 96, and 97, Waialea Tract (recorded in the Bureau of Conveyances at Honolulu in Liber 235, Pages 251-252) conveyed by a deed of Arthur A. Wilder, dated November 29, 1904, recorded in the Bureau of Conveyances at Honolulu in Liber 204, Pages 209-211, by a deed of A. B. Gear and wife and T. F. Lansing and wife, dated November 26, 1904, recorded in the Bureau of Conveyances at Honolulu in Liber 204, Pages 212-214, and by a deed of Gear, Lansing & Co. by Trustees, dated November 26, 1904, recorded in the Bureau of Conveyances at Honolulu in Liber 264, Pages 215-218; (b) Diamond Head Avenue (abandoned) was conveyed by a deed of Trent Trust Company, Limited, dated December 17, 1910, recorded in the Bureau of Conveyances at Honolulu in Liber 352, Pages 7-10.

Beginning at concrete monument No. 5 of Fort Ruger Military Reservation, at the north corner of this parcel of land, located on the south corner of Kilauea and Makapuu Avenues' intersection (as shown on map by Department Engineer's Office, entitled "Fort Ruger Military Reservation" dated June 25, 1933, File Number 6-1-25 P. 33, Case "A"), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 4,342.61 feet North and 3,768.39 feet East, thence running by azimuths measured clockwise from True South:—

1. 298° 31' 30" 1418.85 feet along Kilauea Avenue to concrete monument No. 4, located on the west corner of Kilauea and 18th Avenues' intersection;
2. 28° 29' 20" 1532.40 feet along 18th Avenue to concrete monument No. 3, located on the west corner of the intersection of 18th Avenue and Puu Panial Avenue (formerly known as Diamond Head Avenue);

3. 123° 62' 09" 1039.20 feet along Parcel 6 to concrete monument No. 7;
4. 211° 43' 09" 83.80 feet across Aloha Avenue to concrete monument No. 6, located on the corner of Makapuu and Aloha Avenues' intersection;
5. 217° 16' 09" 1036.18 feet along Makapuu Avenue to the point of beginning; and containing an area of 51.623 acres.

TRACT 1-B

Being an area within Parcel 6, portion of the land conveyed to the Minister of Interior by the Trustees of William C. Lumallio Estate by deed dated June 17, 1934, recorded in the Bureau of Conveyances at Honolulu in Liber 83, Pages 223 and 224 (Land Office Deed 139), and being a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750.

Beginning at the most northerly corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 3312.97 feet North and 3410.17 feet East, thence running by azimuths measured clockwise from True South:—

1. On a curve to the left having a radius of 769.16 feet, the chord azimuth and distance being: 303° 09' 29" 169.62 feet;
2. 230° 48' 09" 21.40 feet;
3. Thence on a curve to the right having a radius of 845.23 feet, the chord azimuth and distance being: 305° 33' 03" 239.30 feet;
4. 314° 25' 09" 159.74 feet;
5. Thence on a curve to the left having a radius of 897.85 feet, the chord azimuth and distance being: 311° 05' 30" 162.18 feet;
6. 397° 43' 09" 181.12 feet;
7. Thence on a curve to the right having a radius of 634.74 feet, the chord azimuth and distance being: 312° 12' 30" 149.41 feet;
8. 316° 42' 09" 91.03 feet;
9. Thence on a curve to the right having a radius of 30.00 feet, the chord azimuth and distance being: 2° 51' 00" 43.27 feet;
10. 49° 09' 09" 35.27 feet;
11. Thence on a curve to the right having a radius of 30.00 feet, the chord azimuth and distance being: 82° 02' 09" 49.95 feet;
12. 135° 04' 09" 73.53 feet;
13. Thence on a curve to the left having a radius of 239.00 feet, the chord azimuth and distance being: 126° 43' 09" 72.75 feet;
14. 118° 29' 09" 157.69 feet;
15. Thence on a curve to the right having a radius of 239.00 feet, the chord azimuth and distance being: 131° 19' 00" 163.35 feet;
16. 144° 16' 09" 169.72 feet;
17. Thence on a curve to the left having a radius of 839.00 feet, the chord azimuth and distance being: 123° 36' 09" 431.33 feet;
18. 114° 54' 09" 129.47 feet;
19. Thence on a curve to the right having a radius of 345.00 feet, the chord azimuth and distance being: 122° 27' 09" 80.63 feet;
20. 229° 09' 09" 118.59 feet to the point of beginning; and containing an area of 2.941 acres.

TRACT 1-C

Being a portion of the land conveyed to the Minister of Interior by the Trustees of William C. Lumallio Estate by deed dated June 17, 1934, recorded in the Bureau of Conveyances at Honolulu in Liber 83, Pages 223 and 224 (Land Office Deed 136), and being a part of the public lands ceded and trans-

ferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750.

Beginning at the northwesterly corner of this parcel of land, being the end of Course No. 1 of the area that was restored to the possession, use, and control of the Territory of Hawaii as Parcel No. 1 of Executive Order No. 10453, dated May 18, 1953, the true azimuth and distance to concrete monument No. 10 of Fort Ruger Military Reservation (as shown on map by Department Engineer's Office, entitled "Fort Ruger Military Reservation" dated June 25, 1933, File Number 6-1-25 F. 33, Case "A") being 63° 08' 40" 468.40 feet, and the coordinates of the said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 3222.96 feet North and 990.00 feet East, thence running by azimuths measured clockwise from True South:—

1. 243° 08' 40" 557.55 feet along reservation boundary to concrete monument No. 9;
2. 149° 35' 30" 166.23 feet along reservation boundary;
3. 279° 00' 00" 195.85 feet along Parcel 3;
4. Thence along Parcel 3 on a curve to the left having a radius of 2090.00 feet, the chord azimuth and distance being: 274° 43' 30" 311.59 feet;
5. 270° 27' 00" 408.55 feet along Parcel 3 and along Parcel 6;
6. 325° 20' 00" 204.04 feet along Parcel 6;
7. 328° 00' 00" 480.00 feet along Parcel 6;
8. 84° 30' 00" 780.00 feet along Parcel 6;
9. 72° 00' 00" 790.00 feet along Parcel 6;
10. 153° 08' 40" 80.00 feet along Parcel 6;
11. 153° 08' 40" 361.00 feet along Diamond Head Reservoir Lot (restored to the Territory by Executive Order No. 6468, dated November 29, 1933);
12. 223° 58' 40" 9.80 feet along the area restored to the Territory as Parcel No. 1 of Executive Order No. 10453, dated May 18, 1953;

13. Thence along same on a curve to the left having a radius of 119.00 feet, the chord azimuth and distance being: 198° 03' 40" 104.00 feet;
14. 172° 08' 40" 58.70 feet along same to the point of beginning; and containing an area of 22.591 acres.

TRACT 1-D

Being a portion of the land conveyed to the Minister of Interior by the Trustees of William C. Lunalilo Estate by deed dated June 17, 1884, recorded in the Bureau of Conveyances at Honolulu in Liber 88, Pages 223 and 224 (Land Office Deed 136), and being a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750.

Beginning at the north corner of this parcel of land, at the south corner of the intersection of 18th Avenue and Puu Panini Avenue (formerly known as Diamond Head Avenue), the true azimuth and distance from concrete monument No. 3 of Fort Ruger Military Reservation, located on the west corner of the intersection of Puu Panini Avenue (formerly known as Diamond Head Avenue) and 18th Avenue (as shown on map by Department Engineer's Office, entitled "Fort Ruger Military Reservation" dated June 25, 1933, File Number 6-1-25 F. 33, Case "A"), being 303° 04' 00" 56.26 feet, and the coordinates of said point of beginning referred to Government Survey Triangulation Station "LEAHI" being 2887.71 feet North and 4331.21 feet East, thence running by azimuths measured clockwise from True South:—

1. 303° 04' 00" 475.75 feet along the south-west side of Puu Panini Avenue (formerly known as Diamond Head Avenue);
2. 41° 30' 00" 293.42 feet along Parcel 6;
3. 136° 42' 00" 377.00 feet along Parcel 6;

4. Thence along the east side of Parcel 4 on a curve to the right having a radius of 72.86 feet, the chord azimuth and distance being: 172° 36' 00" 85.45 feet;
5. 208° 30' 00" 136.81 feet along the south-east side of Parcel 4 to the point of beginning; and containing an area of 2.461 acres.

2. Tract 5, so designated and described by Executive Order No. 6408 of November 7, 1933, containing an area of 2.735 acres, being land acquired by the United States (pursuant to authority of the act of January 31, 1922, 42 Stat. 360, as amended by the act of March 3, 1925, 43 Stat. 1115) by exchanging for privately-owned lands a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750, and reserved for military purposes by executive orders of the President.

3. Easements A, B, C, D, E, and F, as described and set forth in Part II of this order.

4. Rights-of-way crossing Parcels 3 and 6, as set forth in Part I of this order.

5. Control over the use of Parcel 6 and the right to cause it to revert to the jurisdiction and control of the Department of the Army in case the land is used for purposes other than those authorized, as set forth in Part I of this order.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

December 8, 1955.

[F. R. Doc. 55-10062; Filed, Dec. 12, 1955; 11:56 a.m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 3—NONCOMPETITIVE ACQUISITION OF COMPETITIVE STATUS

OVERSEAS POSITIONS

Section 3.101 is amended as set out below.

§ 3.101 *Incumbents of positions brought into the competitive service.*

(b) In order to acquire a competitive status under this section an employee must:

(1) Be recommended by the agency in which employed prior to June 15, 1956, or within six (6) months after the date the position is brought into the competitive service, whichever is later. Where it is necessary for the Commission to determine that this section applies to a group of positions the recommendation must be submitted within six (6) months after the agency is advised of the Commission's determination.

(2) Have rendered six (6) months of satisfactory service in a position (or po-

sitions) brought into the competitive service or in the civilian executive branch of the Government immediately prior to the date his position was brought into the competitive service, unless the Commission excepts particular types of cases from this requirement. The types of cases which the Commission excepts from this requirement shall be published in the Federal Personnel Manual.

(d) A former incumbent of a position which has been brought into the competitive service who left such position in order to perform active military service after June 30, 1950, may acquire a competitive status provided: * * *

(3) He is recommended for reinstatement prior to June 15, 1956, or within six (6) months after discharge from the military service under honorable conditions (or after hospitalization continuing after discharge for not more than one year), whichever is later; and

(e) Any person who occupied a continuing position on the date it was brought into the competitive service and who was separated thereafter, may acquire a competitive status provided:

(1) He is recommended for reinstatement within the time limits prescribed in paragraph (b) (1) of this section.

(2) He meets the requirements of paragraph (b) (2), (3) and (4) of this section.

(f) If the Commission disapproves a recommendation for acquisition of status under this section the agency or the person concerned may request the Commission to review its action within six (6) months after the date of the Commission's disapproval.

(g) The time limits prescribed in this section may be extended in the discretion of the Commission upon a showing by the agency that circumstances beyond its control prevented it from recommending the person within such time limits.

(R. S. 1753; sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-10016; Filed, Dec. 12, 1955; 8:53 a.m.]

TITLE 6—AGRICULTURAL CREDIT**Chapter III—Farmers Home Administration, Department of Agriculture****Subchapter E—Account Servicing**

[FHA Instruction 451.1, Administration Letter 318 (450)]

PART 361—ROUTINE**SUBPART A—ACCOUNT SERVICING POLICIES**

Subpart A of Part 361, Title 6, Code of Federal Regulations (19 F. R. 2757) is revised to read as follows:

Sec.

361.1 General.

361.2 Definition of types of payments on all loan accounts.

361.3 Distribution of collections when a borrower owes both real estate and operating loans to the Farmers Home Administration.

361.4 Application of payments on Operating loan accounts.

361.5 Application of payments on Farm Ownership, Soil and Water Conservation (except Water Facilities loans coded J), Farm Housing, and Other Real Estate loan accounts.

361.6 Application of payments on Water Facilities loan accounts coded J.

361.7 Changes in the application of direct loan payments.

361.8 Other account servicing information on Farm Ownership, Soil and Water Conservation, Other Real Estate, and Farm Housing accounts.

361.9 Miscellaneous servicing on Operating loan accounts.

AUTHORITY: §§ 361.1 to 361.9 issued under R. S. 161, 5 U. S. C. 22. Statutes giving special authority and statutes interpreted or applied are cited to text in parentheses.

§ 361.1 *General.* Borrowers will be required to pay their debts to the Farmers Home Administration in accordance with their agreements and their ability to pay and will be encouraged to pay ahead of schedule to an extent consistent with sound farming and money management. When borrowers have acted in good faith and have exercised due diligence in an effort to pay their indebtedness but cannot pay on schedule because of circumstances beyond their control, future servicing actions will be consistent with the best interests of the borrower and the Government. County Supervisors will be responsible for servicing all Farmers Home Administration accounts as prescribed by this part and under the general guidance and supervision of State Office personnel.

(a) *Accounts of borrowers who are receiving supervision.* For those borrowers receiving supervision, the foundation for proper and timely debt payment is sound farm and home planning, including plans for debt payments, supplemented by effective follow-up supervision. Account servicing, therefore, must begin with initial planning and must be an integral part of year-end analysis and subsequent planning, as well as follow-up supervision.

(b) *Accounts of borrowers who are not receiving supervision.* For those borrowers not receiving supervision, account servicing will be directed toward collecting the loan and protecting the Government's security during the period of the loan. The borrower must be fully

informed with respect to his obligations as to payment of the loan and protection of the Government's financial interests. Generally, account servicing will be limited to collection activities. These activities will include collection letters, office visits, and telephone calls, and, in cases involving real estate security, tax and insurance servicing letters. Farm visits will also be made in selected cases for such purposes as the following:

(1) To ascertain the progress being made in the farming operation and to offer such assistance in farm practices as may be necessary for the protection of the Government's financial interest. Assistance in farm practices will be limited generally to that required to meet emergency situations. However, such assistance may, when warranted, include advice on how to correct clearly unsound farm practices which endanger the borrower's farming operations and which he may be able to improve without follow-up supervision.

(2) To inspect security property to ascertain whether it is being maintained adequately to protect the Government's interests or to inspect loss or damage to security property.

(3) When necessary to effect collection of the loan.

(c) *Accounts of collection-only borrowers.* Collection-only borrowers are expected to make final settlements of their debts to the Farmers Home Administration to the extent of their ability to pay. This objective will be accomplished by collecting in full the amounts owed by these borrowers or, in appropriate cases, by the application of the established debt settlement policies.

(d) *Subsequent servicing.* If a borrower fails to make a payment as agreed upon, the County Supervisor will write or otherwise contact the borrower or request him to make the payment or request him to come to the office to discuss the reasons why the payment was not made and to develop specific plans for making the payment. In the event the borrower refuses to make the payment when he has the income, or it is determined that his farming operations will not permit him to make the payment in a reasonable length of time, as well as make future payments, action will be taken to protect the Government's security interest.

(Sec. 41 (1), 60 Stat. 1066, 7 U. S. C. 1015 (1); sec. 510 (g), 63 Stat. 438, 42 U. S. C. 1480 (g); sec. 4 (c), 64 Stat. 100, 40 U. S. C. 442 (c); sec. 6 (3), 60 Stat. 870, 16 U. S. C. 590w (3); sec. 1 (4), 68 Stat. 735, 16 U. S. C. 590x-3 (a) (7). Interprets or applies sec. 1 (a), 50 Stat. 522, sec. 5, 60 Stat. 1072, 7 U. S. C. 1001 (a); sec. 3, 63 Stat. 534, 7 U. S. C. 1005b (c); sec. 2, 64 Stat. 98, 40 U. S. C. 440 (f); sec. 501 (a), 503, 63 Stat. 432, 434, 42 U. S. C. 1471, 1473; sec. 2 (3), 60 Stat. 869, 16 U. S. C. 590x (3); sec. 1 (4), 68 Stat. 735, 16 U. S. C. 590x-2, 590x-3; sec. 21, 50 Stat. 524, sec. 4, 60 Stat. 1071, sec. 2, 65 Stat. 197, 7 U. S. C. 1067; sec. 1, 63 Stat. 43, 67 Stat. 558, 12 U. S. C. 1148a-1 (a); sec. 1 (a), 64 Stat. 414, 12 U. S. C. 1148a-1 (a); sec. 2, 63 Stat. 44, sec. 1, 67 Stat. 150, sec. 1, 63 Stat. 263, 12 U. S. C. 1148a-2 (a); sec. 1, 67 Stat. 149, sec. 2, 63 Stat. 263, 12 U. S. C. 1148a-2 (b); sec. 1, 67 Stat. 149, 69 Stat. 360, 12 U. S. C. 1148a-3 (c); sec. 2 (a) (3), 60 Stat. 1062, 7 U. S. C. 1091, note; 68 Stat. 999, 69 Stat. 223, sec. 3, 69 Stat. 263, 12 U. S. C. 1148a-1, note; 63 Stat. 1030, 63 Stat. 82)

§ 361.2 *Definition of types of payments on all loan accounts—(a) Regular payments.* Regular payments will be all payments other than extra payments and refunds. Usually regular payments will be derived from regular farm income, that is, farm income not including proceeds from the sale of basic security, but they will include also payments derived from off-farm income, sale or lease of real estate security property which is of a nondepleting nature, inheritances, life insurance, contributions made on Section 503 Farm Housing loans, and so forth.

(b) *Extra payments.* Extra payments will be payments derived from (1) sale of basic chattel security, (2) refinancing of the real estate debt, (3) sale of all or any part of the mortgaged real estate, (4) mineral royalties, (5) leases which depreciate the value of the security, or (6) cash proceeds of real property insurance.

(c) *Refunds.* Refunds will be payments derived from the return of all or a part of a loan advance.

(Sec. 41 (1), 60 Stat. 1066, 7 U. S. C. 1015 (1); sec. 510 (g), 63 Stat. 438, 42 U. S. C. 1480 (g); sec. 4 (c), 64 Stat. 100, 40 U. S. C. 442 (c); sec. 6 (3), 60 Stat. 870, 16 U. S. C. 590w (3); sec. 1 (4), 63 Stat. 735, 16 U. S. C. 590x-3 (a) (7). Interprets or applies sec. 1 (a), 50 Stat. 522, sec. 5, 60 Stat. 1072, 7 U. S. C. 1001 (a); sec. 3, 62 Stat. 534, 7 U. S. C. 1005b (c); sec. 2, 64 Stat. 98, 40 U. S. C. 440 (f); sec. 501 (a), 503, 63 Stat. 432, 434, 42 U. S. C. 1471, 1473; sec. 2 (3), 59 Stat. 869, 16 U. S. C. 590x (3); sec. 1 (4), 63 Stat. 735, 16 U. S. C. 590x-2, 590x-3; sec. 21, 50 Stat. 524, sec. 4, 60 Stat. 1071, sec. 2, 65 Stat. 197, 7 U. S. C. 1067; sec. 1, 63 Stat. 43, 67 Stat. 558, 12 U. S. C. 1148a-1 (a); sec. 1 (a), 64 Stat. 414, 12 U. S. C. 1148a-1 (a); sec. 2, 63 Stat. 44, sec. 1, 67 Stat. 150, sec. 1, 63 Stat. 263, 12 U. S. C. 1148a-2 (a); sec. 1, 67 Stat. 149, sec. 2, 63 Stat. 263, 12 U. S. C. 1148a-2 (b); sec. 1, 67 Stat. 149, 69 Stat. 363, 12 U. S. C. 1148a-3 (c); sec. 2 (a) (3), 60 Stat. 1062, 7 U. S. C. 1091, note; 63 Stat. 933, 63 Stat. 223, sec. 3, 69 Stat. 263, 12 U. S. C. 1148a-1, note; 62 Stat. 1033, 63 Stat. 82)

§ 361.3 *Distribution of collections when a borrower owes both real estate and operating loans to the Farmers Home Administration—(a) Collections from income other than from sale of basic chattel security or sale or rental of real estate security.* In those cases where a borrower owes both real estate loans (Farm Ownership, Soil and Water Conservation, including those secured by chattels, Farm Housing, and Other Real Estate) and Operating loans (Production and Subsistence, Production and Economic Emergency, and so forth) to the Farmers Home Administration, collections received from each crop year's income, other than from the sale of basic chattel security or from the sale or rental of real estate security, will be distributed in an equitable manner so as to maintain the accounts in balance with respect to maturities and to protect the interests of the Government. Collections received during the first five years of the Farm Housing loan from section 503 Farm Housing borrowers who also owe Operating loans will be distributed in accordance with §§ 361.101 to 361.104.

(b) *Income from sale of basic chattel security or sale or rental of real estate*

security. Collections derived from the sale of basic chattel security and those from the sale of real estate security or rental of any real estate security will be applied in accordance with applicable provisions of §§ 361.4 to 361.6.

(c) *Application of collections.* After the decision is reached as to the amount of each collection that is to be distributed to the operating and real estate accounts, application of the collection will be governed by §§ 361.4 to 361.6.

(Sec. 41 (1)), 60 Stat. 1066, 7 U. S. C. 1015 (1) sec. 510 (g), 63 Stat. 438, 42 U. S. C. 1480 (g); sec. 4 (c), 64 Stat. 100, 40 U. S. C. 442 (c) sec. 8 (3), 50 Stat. 870, 16 U. S. C. 590w (3) sec. 1 (4), 68 Stat. 735, 16 U. S. C. 590x-3 (a) (7). Interprets or applies sec. 1 (a), 50 Stat. 522, sec. 5, 60 Stat. 1072, 7 U. S. C. 1001 (a) sec. 3, 62 Stat. 534, 7 U. S. C. 1005b (e); sec. 2, 64 Stat. 98, 40 U. S. C. 440 (f); secs. 501 (a), 503, 63 Stat. 432, 434, 42 U. S. C. 1471, 1473; sec. 2 (3), 50 Stat. 869, 16 U. S. C. 590s (3); sec. 1 (4), 68 Stat. 735, 16 U. S. C. 590x-2, 590x-3; sec. 21, 50 Stat. 524, sec. 4, 60 Stat. 1071, sec. 2, 65 Stat. 197, 7 U. S. C. 1007; sec. 1, 63 Stat. 43, 67 Stat. 558, 12 U. S. C. 1148a-1 (a); sec. 1 (a), 64 Stat. 414, 12 U. S. C. 1148a-1 (a); sec. 2, 63 Stat. 44, sec. 1, 67 Stat. 150, sec. 1, 69 Stat. 263, 12 U. S. C. 1148a-2 (a); sec. 1, 67 Stat. 149, sec. 2, 69 Stat. 263, 12 U. S. C. 1148a-2 (b); sec. 1, 67 Stat. 149, 69 Stat. 366, 12 U. S. C. 1148a-2 (c) sec. 2 (a) (2), 60 Stat. 1062, 7 U. S. C. 1001, note; 68 Stat. 999, 69 Stat. 223, sec. 3, 69 Stat. 263, 12 U. S. C. 1148a-1, note; 62 Stat. 1038, 63 Stat. 82)

§ 361.4 *Application of payments on Operating loan accounts.* Payments received on Operating loan accounts will be applied to the proper account or accounts selected in accordance with the provisions of this section, first to the unpaid interest on the selected account or accounts, as shown on the latest Form FHA-646, "Statement of Account," in the County Office, and then to the unpaid principal on such account or accounts, except that for 1934-35 Drought Feed loans, collections will be applied to principal only until all principal has been repaid. Refunds will be applied to principal only. Exceptions may be made to the policy of applying payments to interest first when (1) the unpaid interest on the selected account or accounts, as shown on Form FHA-646, is not due under the provisions of the note or notes and the borrower requests that his payment be applied to principal only, or (2) a large amount of unpaid interest has accumulated and the borrower requests in writing that his payment be applied to principal first, stating that he will make the payment only if his request is granted. If the borrower agrees to make subsequent payments only on condition that they be applied to principal first, the information will be incorporated in a written agreement.

(a) *Selection of accounts.* Except for total loan refunds as provided in subparagraph (1) (i) of this paragraph, payments, regardless of source, will be applied first to any recoverable costs which have been charged to the borrower's account, after which the following rules will govern the selection of accounts and installments to which payments will be applied.

(1) Payments derived from the sale of mortgaged property representing nor-

mal farm income or from assignments of income will be applied first to accounts with small balances for the purpose of removing such accounts from the records. Any balance of the remittance will be applied on debts secured by the mortgage in the following order:

(i) To amounts due or falling due on loans made in connection with the current year's operations. However, when installments on loans previously made fall due early in the year and prior to the installment on the loan for the current year's operations or when such loans are delinquent and it is anticipated that sufficient income will be received to meet the installment on the current year's operations when due, collections may be applied first to installments on loans made in previous years.

(ii) To accounts having the oldest delinquencies, or if no delinquencies, to the oldest unpaid account.

(2) Payments derived from the sale of basic security, including real estate security, will be applied to the earliest account secured by the earliest mortgage covering such basic security. The amount to be applied to principal will be applied to the final unpaid installment(s). When the amount of such payment is large and the sale of the basic security, including real estate security, will result in a change in the farming operation which will reduce the annual repayment ability of the borrower, it may be prorated to more than one installment.

(3) Partial loan refunds will be applied to the final unpaid installment(s) on the note(s) which evidences such advances(s) except: (i) When such refund represents an advance for current farm and home expenses repayable within the year, it may be applied to the first unpaid installment on such note, in which case it will be treated as a regular payment; and (ii) when such refund is large and results from a change in the farming operations which will reduce the annual repayment ability of the borrower, it should be prorated to more than one installment.

(4) Total refunds of loan advances will be applied to the notes which evidence such advances.

(5) In applying payments from sources other than those in subparagraphs (1) to (4) of this paragraph, the borrower has the right of election as to the Operating loan account(s) on which such payments will be applied. In the absence of the borrower's election, such payments generally will be applied in the following order:

(i) To accounts with small balances.

(ii) To accounts with the oldest unsecured note(s)

(iii) To accounts with the oldest delinquencies.

(iv) To accounts with the oldest secured note(s)

(6) When a borrower owes both Farmers Home Administration and State Rural Rehabilitation Corporation loan accounts, payments described in subparagraph (5) of this paragraph, in the absence of the borrower's election and any balances remaining after payments are made under subparagraphs (1) and (2) of this paragraph, will be prorated

between Farmers Home Administration and the State Rural Rehabilitation Corporation loan accounts on the basis of the total balances (including principal and interest) owed to each. The portions thus prorated will be applied respectively to the Farmers Home Administration and State Rural Rehabilitation Corporation loan accounts as prescribed in subparagraph (5) of this paragraph.

(7) When the Government has advanced funds to complete State Rural Rehabilitation Corporation commitments, any payment that normally would be applied to any of the borrower's State Rural Rehabilitation Corporation accounts will be applied to the account until it is paid.

(8) Application of payments to notes within loan-type accounts will be made in accordance with the general rules set forth in subparagraphs (1) to (7) of this paragraph. County Supervisors are authorized to apply payments to specific notes within loan-type accounts according to the rules of application prescribed in this paragraph when the need for such application arises.

(Sec. 41 (1), 60 Stat. 1066, 7 U. S. C. 1015 (1); sec. 4 (c), 64 Stat. 100, 40 U. S. C. 442 (c); Interprets or applies sec. 21, 50 Stat. 524, sec. 4, 60 Stat. 1071, sec. 2, 65 Stat. 197, 7 U. S. C. 1007; sec. 1, 63 Stat. 43, 67 Stat. 558, 12 U. S. C. 1148a-1 (a) sec. 1 (a), 64 Stat. 414, 12 U. S. C. 1148a-1 (a); sec. 2, 63 Stat. 44, sec. 1, 67 Stat. 150, sec. 1, 69 Stat. 263, 12 U. S. C. 1148a-2 (a); sec. 1, 67 Stat. 149, sec. 2, 69 Stat. 263, 12 U. S. C. 1148a-2 (b); sec. 1, 67 Stat. 149, 69 Stat. 366, 12 U. S. C. 1148a-2 (c); sec. 2 (a) (2), 60 Stat. 1062, 7 U. S. C. 1001, note; 68 Stat. 999, 69 Stat. 223, sec. 3, 69 Stat. 263, 12 U. S. C. 1148a-1, note; 62 Stat. 1038, 63 Stat. 82)

§ 361.5 *Application of payments on Farm Ownership, Soil and Water Conservation (except Water Facilities loan accounts coded J), Farm Housing, and Other Real Estate loan accounts.* If a borrower owes more than one of the above loan accounts, including Water Facilities loan accounts coded J, payment on such accounts should be applied so as to maintain the accounts in balance at the end of the year with respect to installments due on the notes and other charges.

(a) *Regular payments*—(1) *Direct loan accounts.* Regular payments on direct loan accounts will be applied first to interest accrued on the note to the date of the receipt of payment, and second to the principal balance on the note.

(2) *Insured loan accounts.* All regular payments on insured loan accounts will be applied first to any unpaid balance of the insurance account including accrued interest on advances from the insurance fund computed to the date of the receipt of payment, and second to interest accrued on the note as of the date of the U. S. Treasury check issued to the holder. Any remainder will be applied to the principal balance on the note.

(b) *Extra payments*—(1) *Direct loan accounts.* Extra payments on direct loan accounts will be applied first to interest accrued on the note to the date of the receipt of payment, and second to the principal balance on the note. Extra payments will not affect the

schedule status of a borrower with a direct loan, except when reamortization is involved as provided in paragraph (h) of § 361.8.

(2) *Insured loan accounts.* Extra payments on insured loan accounts will be applied first to interest accrued on the note as of the date of the U. S. Treasury check issued to the holder, and the remainder will be applied to the principal balance on the note. Extra payments will not affect the schedule status of a borrower with an insured loan or relieve him from paying the amount due the insurance account each year.

(c) *Refunds on direct and insured loan accounts.* All refunds on direct and insured loan accounts will be applied entirely to the principal balance on the note. Refunds will not affect the schedule status of a borrower with a direct or insured loan, except when reamortization is involved as provided in paragraph (h) of § 361.8. A refund will not relieve a borrower with an insured loan from paying the amount due the insurance account each year.

(d) *Finance Office handling—(1) Direct loan accounts.* The application of principal and interest on direct loan accounts will be reflected in the record of accounts maintained by the Finance Office, as indicated on the yellow copy of Form FHA-37 returned to the County Supervisor. Amounts paid on direct loan accounts will be credited on the Finance Office records as of the date of Form FHA-37. Collections received from borrowers who have both initial and subsequent direct Farm Ownership loans bearing different rates of interest will be applied by the Finance Office in the following order of priority to:

- (i) Unpaid accrued interest on the initial loan.
- (ii) Unpaid accrued interest on the subsequent loan(s)
- (iii) Unpaid principal behind schedule on the initial loan.
- (iv) Unpaid principal behind schedule on the subsequent loan(s)
- (v) Unpaid principal balances on the initial and subsequent loans, prorated on the ratio between the annual installments.

(2) *Insured loan accounts.* The Finance Office will distribute the payments between the insurance account and the note account in accordance with paragraph (a) (2) of this section.

(i) *Insurance account.* Amounts distributed to the insurance account will be credited on the Finance office records as of the date of Form FHA-37.

(ii) *Note account.* When distributing a payment to the borrower's note account, the Finance Office will apply it first to interest accrued to the date of the U. S. Treasury check issued to the holder and any remainder to principal. Form FHA-282 will be sent to the U. S. Treasury Regional Disbursing Office for inclusion in the envelope containing the check to be sent to the holder. Such amounts will be credited on the Finance Office records as of the date of the U. S. Treasury check issued to the holder.

(Sec. 41 (1), 60 Stat. 1066, 7 U. S. C. 1015 (1); sec. 510 (g), 63 Stat. 438, 42 U. S. C. 1480 (g); sec. 4 (c), 64 Stat. 100, 40 U. S. C. 442 (c);

sec. 1 (4), 63 Stat. 735, 16 U. S. C. 590x-3 (a) (7). Interprets or applies sec. 1 (a), 60 Stat. 522, sec. 5, 60 Stat. 1072, 7 U. S. C. 1031 (a); sec. 3, 62 Stat. 534, 7 U. S. C. 1085b (a); sec. 2, 64 Stat. 98, 40 U. S. C. 440 (f); sec. 591 (a), 503, 63 Stat. 432, 434, 42 U. S. C. 1471, 1473; sec. 1 (4), 63 Stat. 735, 16 U. S. C. 590x-2, 590x-3)

§ 361.6 *Application of payments on Water Facilities loan accounts coded J—(a) Regular payments.* Regular payments on Water Facilities loan accounts coded J will be applied first to any unpaid balance of interest accrued on the account as of the latest Form FHA-646, "Statement of Account," in the County Office and the remainder will be applied to the principal balance on the account.

(b) *Extra payments.* Extra payments on Water Facilities loan accounts coded J will be applied first to any unpaid balance of interest accrued on the account as of the latest Form FHA-646 in the County Office and the remainder will be applied to the final unpaid principal installment(s) on the account.

(c) *Refunds.* Refunds on Water Facilities loan accounts coded J will be applied entirely to the final unpaid installment(s)

(Sec. 6, (3), 50 Stat. 870, 16 U. S. C. 590w (3). Interprets or applies sec. 2 (3), 60 Stat. 863, 16 U. S. C. 590s (3))

§ 361.7 *Changes in the application of direct loan payments—(a) Authority to State Directors.* State Directors are hereby authorized to approve requests for changes in the application of payments between Operating loan accounts and other direct loan accounts when payments have been applied in error and such requests conform to applicable policies.

(b) *Authority to County Supervisors.* County Supervisors are hereby authorized to approve requests for changes in the application of payments within and between Operating loan accounts when payments have been applied in error and such requests conform to applicable policies.

(c) *Form FHA-238, "Request for Change in Application."* Requests for changes in application of payments will be made on Form FHA-238 which will be prepared by the County Supervisor and signed by the State Director or the County Supervisor, whichever is authorized.

(d) *Notifying borrowers.* County Supervisors will inform borrowers of any reapplication between Operating loan accounts and other direct loan accounts, and of any other reapplication of a significant amount.

(Sec. 41 (1), 60 Stat. 1066, 7 U. S. C. 1015 (1); sec. 510 (g), 63 Stat. 438, 42 U. S. C. 1480 (g); sec. 4 (c), 64 Stat. 100, 40 U. S. C. 442 (c); sec. 6 (3), 50 Stat. 870, 16 U. S. C. 590w (3); sec. 1 (4), 63 Stat. 735, 16 U. S. C. 590x-3 (a) (7). Interprets or applies sec. 1 (a), 60 Stat. 522, sec. 5, 60 Stat. 1072, 7 U. S. C. 1031 (a); sec. 501 (a), 63 Stat. 432, 42 U. S. C. 1471; sec. 2 (3), 60 Stat. 869, 16 U. S. C. 590s (3); sec. 1 (4), 63 Stat. 735, 16 U. S. C. 590x-2; sec. 21, 50 Stat. 524, sec. 4, 60 Stat. 1071, sec. 2, 65 Stat. 197, 7 U. S. C. 1007; sec. 1, 63 Stat. 43, 67 Stat. 558, 12 U. S. C. 1148a-1 (a); sec. 1 (a), 64 Stat. 414, 12 U. S. C. 1148a-1 (a); sec. 2, 63 Stat. 44, sec. 1, 67 Stat. 159, sec. 1, 69 Stat. 263, 12 U. S. C. 1148a-2 (a); sec. 1, 67 Stat. 149, sec. 2, 69 Stat. 263, 12 U. S. C.

1148a-2 (b); sec. 1, 67 Stat. 149, 69 Stat. 263, 12 U. S. C. 1148a-2 (c); sec. 2 (a) (2), 69 Stat. 1032, 7 U. S. C. 1031, note; 63 Stat. 933, 69 Stat. 223, sec. 3, 63 Stat. 263, 12 U. S. C. 1148a-1, note; 63 Stat. 1033, 63 Stat. 82)

§ 361.8 *Other account servicing information on Farm Ownership, Soil and Water Conservation, Other Real Estate, and Farm Housing accounts—(a) Installment on note and other charges—(1) Direct loan accounts.* For a borrower with a direct loan, the term "installment on note and other charges," as used in this subpart, will be the sum of the following:

(i) The annual installment for the year as provided in his promissory note(s)

(ii) Any recoverable cost charges paid for the borrower during the year, such as taxes and insurance.

(2) *Insured loan accounts.* For a borrower with an insured loan, the term "installment on note and other charges," as used in this subpart, will be the sum of the following:

(i) The annual installment for the year as provided in his promissory note.

(ii) The annual insurance charge.

(iii) Any recoverable cost charges paid for the borrower during the year, such as taxes and insurance.

(iv) Any accrued interest on advances made out of the insurance fund.

(b) *Insurance account.* The term "insurance account" applies only to a borrower with an insured loan. The insurance account for such a borrower is a combination of the following items:

(1) The annual insurance charge.

(2) Any advances made out of the insurance fund to meet defaulted payments of principal and interest, or to pay recoverable cost charges, such as taxes and insurance.

(3) Any accrued interest on advances made out of the insurance fund.

(c) *Schedule status.* For direct and insured loans, a borrower will be on schedule when the sum of his regular payments through the last preceding due date of the note equals the sum of "installments on his note and other charges" due through the same date. Such a borrower will be ahead of schedule or behind schedule when the sum of such regular payments is larger or smaller, respectively, than the sum of such "installments on his note and other charges."

(d) *Notice to holders of defaulted payment on insured Farm Ownership note.*

(1) When an advance is made from the insurance fund to pay the holder all or any part of an installment that a borrower is in default on his insured Farm Ownership note, the Finance Office will include the blank space at the bottom of Form FHA-282 the following statement:

You are hereby notified that the borrower is in default on his installment which was due _____, 19____. The above-mentioned Treasury check constitutes payment by the Government for the account of the borrower of the unpaid amount of such installment.

(2) The Director, Finance Office, will notify the holder when such a default is corrected.

(e) *Farm Ownership payments.* Farm Ownership borrowers will generally be encouraged to establish a prepayment reserve by paying their Farm Ownership indebtedness in accordance with the terms of agreements entered into and their ability to pay. The agreements of most borrowers provide a system of variable payments which permits paying more than the scheduled installment on the note in good years and using the excess over-scheduled installments to reduce the amount to be paid in poor years. The prepayment reserve which can be established under this system contributes to the security of the borrower's farm ownership by serving as a cushion against the many hazards with which farmers are confronted. The borrower who pays in accordance with his agreements and his ability to pay, operates his farm efficiently, and acts in good faith with respect to other mortgage covenants will enjoy reasonable security in the ownership of his farm.

(1) *Payment requirements.* (i) Farm Ownership borrowers whose loans were approved prior to November 1, 1946, and are repaying their loans under variable payment agreement Forms FSA-LE-228 or FSA-550, will be required, subject to the terms of the agreement, to pay each year the amount which will be determined by the County Supervisor as being within their ability to pay.

(ii) Any borrower whose agreement calls only for fixed payments may make only such payments, but will be encouraged to make additional payments in accordance with his ability in years of normal or above-normal income.

(iii) All other Farm Ownership borrowers will be required to pay one scheduled installment on the note and other charges each year (including, in the case of any insured loan borrower for whom an advance has been made from the insurance fund, a sufficient amount to cover any interest which will accrue on the advance from the fund) plus any amount the borrower was behind schedule as of the previous installment date, plus any additional amount agreed to by the borrower and the County Supervisor, except that, any such borrower who was ahead of schedule as of the previous installment date and whose income for the year is below normal, will be required to pay an amount sufficient to place him on schedule.

(2) *Determination of normal or above normal, or below normal, income for the year.* (i) A borrower's income will be considered normal or above normal when it is equal to or exceeds an amount sufficient to pay usual family living and reasonable farm operating expenses, make normal capital replacements (kept within reasonable conformance to the Farm and Home Plan) and make a scheduled payment on his Farm Ownership note, including other charges, for the year.

(ii) It will be necessary to make the determination as to whether the borrower's income for the year was normal or above normal, or below normal, only in the cases covered by subparagraph (1) (iii) of this paragraph and only for each borrower in that group who was

ahead of schedule as of the last preceding installment due date and has not paid an amount equal to the installment due on his note plus other charges for the year. The County Supervisor will make such determination sufficiently in advance so that the borrower may receive notice of the amount due at least ten days prior to the due date of the next annual installment. Wherever possible, the year-end analysis will provide the basis for this determination. However, if the year-end analysis has not been made at such time, the determination of normal or above-normal, or below-normal, income will be made on the estimate of such income as compared with the items described in subdivision (i) of this subparagraph. The County Supervisor will estimate the income on the basis of the information concerning the borrower's production for the year as compared with the production of other borrowers in the area and as compared with the approved expenditures under the Farm and Home Plan. The County Supervisor may take into consideration factors which would probably affect the borrower's income, such as drought, hail, insects, and so forth, prevalent in the area or county and on the borrowers' farm; the prevailing level of commodity prices as compared with the costs which were probably encountered by the borrower in his particular type of farming system; and any relevant information acquired by the County Supervisor during the year from farm visits and personal interviews.

(3) *Notification of borrowers; use of Form FHA-908, "Notice of Required Farm Ownership Payment."* (i) Each borrower should receive written notice on Form FHA-908 of the amount he is required to pay for the year, unless he has already paid during the year the amount he is required to pay or pays the amount he is required to pay at the time of the year-end analysis, or has paid such amount when a determination is made whether income for the year was normal or above normal, or below normal, prior to the year-end analysis as provided in subparagraph (2) (ii) of this paragraph.

(ii) For borrowers who are in the group specified in subparagraph (1) (iii) of this paragraph and are ahead of schedule, Form FHA-908 should also show whether the borrower's income for the year was normal or above normal, or below normal.

(iii) Form FHA-908 should reach the borrower at least ten days prior to the annual due date of the note, so that the borrower will have reasonable time in which to respond to the notice.

(f) *Farm Housing payments.* (1) A borrower may make payments ahead of schedule at any time. He may later use such ahead-of-schedule payments to forego payments or to supplement the amount available during any year for application on the annual installment payable on his note. All borrowers should be encouraged to establish prepayment reserves.

(2) One scheduled annual installment on his note and other charges will become due each year, except for any part there-

of paid ahead of schedule and, in the case of a section 503 borrower, any contribution made by the Government during the first five years.

(g) *Soil and Water Conservation payments.* (1) A borrower may make payments at any time to get ahead of schedule on principal and interest on his note. All borrowers should be encouraged to establish prepayment reserves.

(2) A borrower may not pay ahead of schedule on his insurance account. His annual insurance charge is computed on the basis of the principal obligation remaining unpaid as of the date on which each annual note installment is due, and such charge is due and payable in advance when billed. All payments in excess of the amount owed the insurance account are applied on the note account.

(3) One scheduled annual installment on his note and other charges will become due each year, except for any part thereof paid ahead of schedule.

(h) *Reamortizing direct Farm Ownership and Farm Housing accounts.* (1) Direct Farm Ownership accounts will be reamortized when required by § 333.4 of this chapter in connection with making a subsequent Farm Ownership loan when a borrower whose loan was approved prior to November 1, 1946, and who signed Form FSA-LE-228 has such agreement canceled unless immediate foreclosure proceedings are recommended or the borrower was on or ahead of schedule as of the previous installment due date and is not obtaining a subsequent direct loan, and when a borrower who is not behind schedule and has made extra principal payments and refunds totaling 10 percent or more of his Farm Ownership loan, executes Form FHA-176, "Request for Reamortization of Farm Ownership Loan," and the State Director determines that the borrower is likely to have difficulty in meeting his obligations unless his account is reamortized. The unpaid principal, and future interest thereon at the rate specified in the note(s), will be reamortized so as to retire the debt in equal annual installments from the date of reamortization to the maturity date of the note(s). The unpaid accrued interest as of the date of reamortization will be divided into the same number of equal annual installments as indicated in the previous sentence. The revised annual installment will be the sum of the two annual installments mentioned in the two preceding sentences. However, each payment on such reamortized account will be applied first to unpaid interest and second to principal. The borrower's account will be on schedule as of the last installment due date preceding the date of reamortization. The installment due date will be March 31 for borrowers whose entire Farm Ownership indebtedness is based on notes with December 31 due dates with 90 day grace periods, and borrowers who have an outstanding Farm Ownership note with March 31 due dates. The installment due date for other borrowers will be January 1. When the revised amortization schedule has been calculated, the Finance Office will

notify the County Supervisor, who will notify the borrower of the change. It will not be necessary to obtain a new note(s) or to change the face value of the original note(s).

(2) Farm Housing accounts will be re-amortized when a borrower who is not behind schedule and has made extra principal payments and refunds totaling 10 percent or more of his Farm Housing loan, requests reamortization on Form FHA-176, and the State Director determines that the borrower is likely to have difficulty in meeting his obligations unless his account is reamortized. Reamortization of Farm Housing accounts will be calculated in accordance with subparagraph (1) of this paragraph. The borrower's account will be on schedule as of the last December 31 preceding the date of reamortization. When the revised amortization schedule has been calculated, the Finance Office will notify the County Supervisor, who will make a notation thereof on the back of the original note, change the amount of the annual installment appearing in the heading of Form FHA-473B, and notify the borrower of the change. It will not be necessary to obtain a new note or to change the face value of the original note.

(Sec. 41 (1), 60 Stat. 1066, 7 U. S. C. 1015 (1); sec. 510 (g), 63 Stat. 438, 42 U. S. C. 1480 (g); sec. 4 (c), 64 Stat. 100, 40 U. S. C. 442 (c); sec. 1 (4), 68 Stat. 735, 16 U. S. C. 590x-3 (a) (7). Interprets or applies sec. 1 (a), 50 Stat. 522, sec. 5, 60 Stat. 1072, 7 U. S. C. 1001 (a); sec. 3, 62 Stat. 534, 7 U. S. C. 1005b (e); secs. 501 (a), 503, 63 Stat. 432, 434, 42 U. S. C. 1471, 1473; sec. 1 (4), 68 Stat. 735, 16 U. S. C. 590x-2, 590x-3)

§ 361.9 *Miscellaneous servicing on operating loan accounts*—(a) *Borrower moving to new location*. When a borrower is moving to a new location and intends to move security property, he is required to apply for permission to move such property. Form FHA-544, "Application to Move Security Property and Verification of Address," will be used. County Supervisors are authorized to approve applications for moves of security property.

(b) *Final payments on operating loan accounts and surrender of notes*. When final payments on operating loan accounts have been made, the Finance Office will return the paid notes to the county office when either of the conditions set forth below have been met.

(1) When a borrower pays a loan account in full within 30 days of the date of the latest Form FHA-646, such payment must include all of the unpaid principal and all unpaid interest shown on such Form FHA-646, but no additional interest subsequent to the date of the latest Form FHA-646 need be computed or paid unless the total unpaid principal balance on the loan account(s) being paid in full exceeds \$2,000.

(2) When a borrower pays a loan account in full more than 30 days after the date of the latest Form FHA-646, or when the total unpaid principal balance on the loan account(s) being paid in full exceeds \$2,000, such payment

must include all of the unpaid principal and unpaid interest shown on the latest Form FHA-646 plus interest accrued since the date of Form FHA-646 as computed by the official who made the collection.

(c) *Surrender of notes*. When a note (or loan-type account) has been paid in full, the note(s) will be returned to the borrower immediately except:

(1) When the final payment is made in a form other than currency and coin, Treasury check, cashier's check, certified check, Postal or bank money order, or bank draft, the note(s) will not be surrendered until 30 days after the date of final payment, and

(2) When the notes are needed in making marginal releases or satisfactions of security instruments, the notes will be held until the instruments are to be satisfied.

(d) *Surrender of notes to effect collection*. (1) In individual cases, State Directors are authorized to request the Finance Office to furnish County Supervisors with promissory notes, together with a statement of the amount due under such notes, when the surrender of the notes is necessary to effect final collection.

(2) County Supervisors are authorized to surrender notes to borrowers in such cases when final payments of the amounts due are made in the form of currency and coin, Treasury check, cashier's check, certified check, Postal or bank money order, or bank draft.

(e) *Lost notes*. If notes, paid-in-full or otherwise satisfied, cannot be found, State Directors may authorize County Supervisors to execute appropriate affidavits regarding lost notes, in cases in which such affidavits are requested by borrowers.

(f) *Return of notes after satisfaction of judgments*. Notes which have been reduced to judgment are a part of the court records and ordinarily cannot be withdrawn and returned to the borrower even after satisfaction of the judgment. Therefore, no effort will be made to obtain and return such notes except upon the written request of the judgment debtor or his attorney.

(Sec. 41 (1), 60 Stat. 1066, 7 U. S. C. 1015 (1); sec. 4 (c), 64 Stat. 100, 40 U. S. C. 442 (c); sec. 6 (3), 50 Stat. 870, 16 U. S. C. 590x-3 (3). Interprets or applies sec. 21, 60 Stat. 524, sec. 4, 60 Stat. 1071, sec. 2, 65 Stat. 197, 7 U. S. C. 1007; sec. 1, 63 Stat. 43, 67 Stat. 558, 12 U. S. C. 1148a-1 (a); sec. 1 (a), 64 Stat. 414, 12 U. S. C. 1148a-1 (a); sec. 2, 63 Stat. 44, sec. 1, 67 Stat. 150, sec. 1, 69 Stat. 263, 12 U. S. C. 1148a-2 (a); sec. 1, 67 Stat. 149, sec. 2, 69 Stat. 263, 12 U. S. C. 1148a-2 (b); sec. 1, 67 Stat. 149, 69 Stat. 366, 12 U. S. C. 1148a-2 (c); sec. 2 (a) (2), 60 Stat. 1062, 7 U. S. C. 1001, note; 68 Stat. 999, 69 Stat. 223, sec. 3, 69 Stat. 263, 12 U. S. C. 1148a-1, note; 63 Stat. 1038, 63 Stat. 82)

Dated: December 7, 1955.

[SEAL] R. B. McLEISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55-10015; Filed, Dec. 12, 1955; 8:53 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter E—Loans, Purchases, and Other Operations

[1935 C. C. C. Grain Price Support Bulletin 1, Supp. 1 (Rev.), Amdt. 1, Rice]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955-CROP RICE LOAN AND PURCHASE AGREEMENT PROGRAM

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service, published in 20 F. R. 8031, and 8211 and containing the specific requirements for the 1955-Crop Rice Price Support Program are hereby amended to clarify the provisions pertaining to location differentials and to establish a price location differential for rice produced in St. Charles County, Missouri.

Section 421.1344 (c) is amended to read as follows:

§ 421.1344 *Support rates*. * * *

(c) *Location differentials*. For rice produced in the following areas, discounts for location (to adjust for transportation costs of moving the rice to an area where competitive milling facilities are available) shall be applied to the basic support rate determined under paragraph (a) of this section and shall be in addition to any adjustment in accordance with paragraph (b) of this section: *Provided, however*, That such location differentials shall not apply to rice produced in these areas if the rice is transported to a rice producing area where no location differential is applicable and is there placed under loan or delivered to CCC under a purchase agreement:

Area	Discount per 100 pounds
State of Florida.....	\$0.82
States of South Carolina and North Carolina	77
Counties of Lafayette, Little River and Miller in Arkansas; Bowie in Texas; McCurtain in Oklahoma; and Bossier Parish in Louisiana.....	.30
Imperial County, California and adjacent counties in Arizona and California98
Counties of Holt, Lincoln, Marion, Pike, and St. Charles in Missouri, and Adams in Illinois.....	.43

(Sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, sec. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1421, 1441)

Issued this 8th day of December 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-10014; Filed, Dec. 12, 1955; 8:53 a. m.]

**PART 421—GRAINS AND RELATED
COMMODITIES**

PART 474—FARM-STORAGE FACILITIES

**STORAGE PAYMENTS EARNED BY BORROWERS
UNDER PRICE SUPPORT OR RESEAL PRO-
GRAMS**

The notice published in 20 F. R. 8536 is amended to read as follows:

Notwithstanding the provisions of CCC Grain Price Support Bulletins (1950-1955) 15 F. R. 3147, 16 F. R. 1987, 17 F. R. 3521, 18 F. R. 1960, 19 F. R. 867, and 20 F. R. 3017, the provisions of Farm Storage Facility Loan Program Bulletins 14 F. R. 5587, 15 F. R. 4867, 16 F. R. 6492, and 20 F. R. 5115, and the provisions of the Mobile Drying Equipment Loan Program Bulletin 20 F. R. 5113 (which provide for the application of farm storage payments by CCC to the accelerated reduction of loans made respectively under the Farm Storage Facility Loan Program and the Mobile Drying Equipment Loan Program) any payments for storage of commodities in farm storage structure under a price support or reseal program due from Commodity Credit Corporation to a borrower shall be applied (1) to any delinquent amount(s) and, (2) to the borrower's storage facility loan installment or mobile drying equipment loan installment which is due and payable when the storage payment is due, and (3) to any extended installment(s) each including interest. This notice shall be effective with regard to any storage payments disbursed subsequent to November 18, 1955. The provisions of any CCC Grain Price Support Bulletin, Farm Storage Facility Loan Bulletin, or Mobile Drying Equipment Loan Bulletin which are inconsistent with the provisions of this notice are hereby modified accordingly.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b)

NOTE: This notice effects §§ 421.10, 421.660, 421.1510, 421.410, 421.1010, 474.106 (c), 474.140 (c), 474.506 (c), and 474.431 (c).

Issued this 8th day of December 1955.

[SEAL] **EARL M. HUGHES,**
Executive Vice President,
Commodity Credit Corporation.
[F. R. Doc. 55-10013; Filed, Dec. 12, 1955;
8:53 a. m.]

TITLE 7—AGRICULTURE

**Chapter IX—Agricultural Marketing
Service (Marketing Agreements and
Orders), Department of Agriculture**

[Navel Orange Reg. 63, Amdt. 1]

**PART 914—NAVEL ORANGES GROWN IN
ARIZONA AND DESIGNATED PART OF
CALIFORNIA**

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941) regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing

Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237-5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order as amended. The provisions in paragraph (b) (1) (i) of § 914.363 (Navel Orange Regulation 63; 20 F. R. 8871) are hereby amended to read as follows:

(i) District 1: Unlimited movement;
(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 8, 1955.

[SEAL] **S. R. SMITH,**
*Director Fruit and Vegetable
Division, Agricultural Mar-
keting Service.*

[F. R. Doc. 55-10011; Filed, Dec. 12, 1955;
8:52 a. m.]

TITLE 14—CIVIL AVIATION

**Chapter II—Civil Aeronautics Admin-
istration, Department of Commerce**

[Amdt. 1]

**PART 600—DESIGNATION OF CIVIL
AIRWAYS**

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.15 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.)* is amended between the Nashville, Tenn., radio range station and the Knoxville, Tenn., radio range station to read: "Nashville, Tenn., radio range station; the intersection of the northeast course of the Nashville radio range and a line bearing 297° True from the Smithville, Tenn., nondirectional radio bea-

con; Smithville, Tenn., nondirectional radio beacon; the intersection of a line bearing 112° True from the Smithville, Tenn., nondirectional radio beacon and the west course of the Knoxville, Tenn., radio range; Knoxville, Tenn., radio range station;"

2. Section 600.225 is added to read:

§ 600.225 *Red civil airway No. 25 (United States-Canadian Border to Bangor Maine)* That airspace over United States territory from the Quebec, Canada, radio range station via the intersection of the northwest course of the Bangor, Maine, radio range and the west course of the Millinocket, Maine, radio range to the intersection of the northwest course of the Bangor, Maine, radio range and the southwest course of the Millinocket, Maine, radio range.

3. Section 600.603 *Blue civil airway No. 3 (Miami, Fla., to Sault Ste. Marie, Mich.)* is amended by deleting the facility which reads: "Cadillac, Mich., nondirectional radio beacon;"

4. Section 600.674 *Blue civil airway No. 74 (Willard, N. Mex., to Otto, N. Mex.)* is revoked.

5. Section 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.)* is amended by changing the portion which reads: "Des Moines, Iowa, omnirange station, including a south alternate;" to read: "Des Moines, Iowa, omnirange station;"

6. Section 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.)* is amended by changing the portion between the Omaha, Nebr., omnirange station and the Naperville, Ill., omnirange station to read: "Omaha, Nebr., omnirange station, including a north and a south alternate; Des Moines, Iowa, omnirange station; Iowa City, Iowa, omnirange station, including a south alternate via the intersection of the Des Moines omnirange 112° True and the Iowa City omnirange 252° True radials; Moline, Ill., omnirange station, including a south alternate; Naperville, Ill., omnirange station;"

7. Section 600.6011 is amended to read:

§ 600.6011 *VOR civil airway No. 11 (Memphis, Tenn., to Detroit, Mich.)* From the Memphis, Tenn., omnirange station via the intersection of the Memphis omnirange 345° True and the Dyersburg omnirange 230° True radials; Dyersburg, Tenn., omnirange station, including an east alternate from the Memphis omnirange station to the Dyersburg omnirange station via the intersection of the Memphis omnirange 360° True and the Dyersburg omnirange 215° True radials; Paducah, Ky., omnirange station; Evansville, Ind., omnirange station; Scotland, Ind., omnirange station, including an east alternate via the intersection of the Evansville omnirange 040° True and the Scotland omnirange 188° True radials; Indianapolis, Ind., omnirange station, including an east alternate via the intersection of the Scotland omnirange 041° True and the Indianapolis omnirange 185° True radials, and a west alternate via the intersection of the Scotland omnirange 011° True and the Indianapolis omnirange 232° True radi-

als; intersection of the Indianapolis omnirange 021° True and the Fort Wayne omnirange 226° True radials; Fort Wayne, Ind., omnirange station; intersection of the Fort Wayne omnirange 037° True and the Salem omnirange 227° True radials; to the Salem, Mich., omnirange station.

8. Section 600.6012 *VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.)* is amended by changing the portion between the St. Louis, Mo., omnirange station and the Terre Haute, Ind., omnirange station to read: "St. Louis, Mo., omnirange station, including a north and a south alternate; Vandalia, Ill., omnirange station; Terre Haute, Ind., omnirange station;"

9. Section 600.6014 *VOR civil airway No. 14 (Roswell, N. Mex., to Boston, Mass.)* is amended by changing the portion which reads: "the Lubbock omnirange 276° True radials;" to read, "the Lubbock omnirange 277° True radials;"

10. Section 600.6025. *VOR civil airway No. 25 (Los Angeles, Calif., to Ellensburg, Wash.)* is amended by changing all before the Red Bluff, Calif., omnirange station to read: "From the Camarillo, Calif., MF radio range station via the Santa Barbara, Calif., omnirange station; Paso Robles, Calif., omnirange station; intersection of the Paso Robles omnirange 335° True and the San Francisco omnirange 141° True radials; San Francisco, Calif., omnirange station; intersection of the San Francisco omnirange 304° True and the Point Reyes omnirange 155° True radials; Point Reyes, Calif., omnirange station; point of intersection of the Point Reyes omnirange 352° True and the Ukiah, Calif., omnirange 147° True radials; Red Bluff, Calif., omnirange station;"

11. Section 600.6027 is amended to read:

§ 600.6027 *VOR civil airway No. 27 (Los Angeles, Calif., to Seattle, Wash.)* From the Camarillo, Calif., MF radio range via the Santa Barbara, Calif., omnirange station; Paso Robles, Calif., omnirange station, including a west alternate via the intersection of the Santa Barbara omnirange 304° True and the Paso Robles omnirange 169° True radials; intersection of the Paso Robles omnirange 335° True and the Salinas omnirange 134° True radials; Salinas, Calif., omnirange station; intersection of the Salinas omnirange 319° True and the Point Reyes omnirange 155° True radials; Point Reyes, Calif., omnirange station, including a west alternate from the Salinas omnirange station to the Point Reyes omnirange station via the intersection of the Salinas omnirange 300° True and the Point Reyes omnirange 155° True radials; intersection of the Point Reyes omnirange 352° True and the Ukiah omnirange 147° True radials; Ukiah, Calif., omnirange station; Fortuna, Calif., omnirange station; Crescent City, Calif., omnirange station; North Bend, Oreg., omnirange station; Newport, Oreg., omnirange station; Hoquiam, Wash., omnirange station; to the Seattle, Wash., omnirange station, excluding the portion above 14,500 feet above mean sea level which lies beneath, and which con-

flicts with, the Olympic restricted area (R-241)

12. Section 600.6037 is amended to read:

§ 600.6037 *VOR civil airway No. 37 (Savannah, Ga., to Erie, Pa.)*. From the Savannah, Ga., omnirange station via the Columbia, S. C., omnirange station to the Charlotte, N. C., omnirange station. From the Elkins, W. Va., omnirange station via the Morgantown, W. Va., omnirange station; Pittsburgh, Pa., omnirange station; to the Erie, Pa., omnirange station.

13. Section 600.6065 is amended to read:

§ 600.6065 *VOR civil airway No. 65 (Kansas City, Mo., to Lamoni, Iowa)*. From the point of intersection of the Kansas City, Mo., omnirange 231° True and the St. Joseph, Mo., omnirange 178° True radials via the St. Joseph, Mo., omnirange station; to the Lamoni, Iowa, omnirange station.

14. Section 600.6154 is amended to read:

§ 600.6154 *VOR civil airway No. 154 (Meridian, Miss., to Savannah, Ga.)* From the Meridian, Miss., omnirange station via the intersection of the Meridian omnirange 084° True and the Montgomery omnirange 282° True radials; Montgomery, Ala., omnirange station; Columbus, Ga., omnirange station, including a north alternate via the intersection of the Montgomery omnirange 049° True and the Columbus omnirange 270° True radials; intersection of the Columbus omnirange 020° True and the Macon omnirange 272° True radials; Macon, Ga., omnirange station; to the Savannah, Ga., omnirange station. The portions of this airway which conflict with the Fort Benning Restricted Area (R-129) are excluded.

15. Section 600.6172 is amended to read:

§ 600.6172 *VOR civil airway No. 172 (Omaha, Nebr., to Chicago, Ill.)* From the Omaha, Nebr., omnirange station via the intersection of the Omaha omnirange 095° True and the Des Moines omnirange 247° True radials; Des Moines, Iowa, omnirange station; intersection of the Des Moines omnirange 071° True and the Polo omnirange 268° True radials; Polo, Ill., omnirange station, including a south alternate from the point of intersection of the Des Moines omnirange 071° True and the Polo omnirange 268° True radials to the Polo omnirange station via the Moline, Ill., omnirange station; intersection of the Polo omnirange 085° True and the Chicago Midway Airport terminal omnirange 294° True radials; to the Chicago, Ill., Midway Airport terminal omnirange station.

16. Section 600.6185 is amended to read:

§ 600.6185 *VOR civil airway No. 185 (Savannah, Ga., to Knoxville, Tenn.)*. From the Savannah, Ga., omnirange station via the intersection of the Savannah omnirange 320° True and the Augusta omnirange 157° True radials; Augusta,

Ga., omnirange station; Spartanburg, S. C., omnirange station; Asheville, N. C., omnirange station, including a west alternate from the Augusta omnirange station to the Asheville omnirange station via the intersection of the Augusta omnirange 345° True radials and the Greenville ILS localizer south course, the Greenville, S. C., ILS localizer, and the intersection of the Greenville ILS localizer north course and the Asheville omnirange 189° True radial; intersection of the Asheville omnirange 300° True and the Knoxville omnirange 069° True radials; to the Knoxville, Tenn., omnirange station, including an east alternate from the Asheville omnirange station to the Knoxville omnirange station via the intersection of the Asheville omnirange 329° True and the Knoxville omnirange 069° True radials. The portion of this airway below 5500 feet above mean sea level which overlaps the Camp Gordon Restricted Area (R-124) is excluded.

17. Section 600.6193 is amended to read:

§ 600.6193 *VOR civil airway No. 193 (Pullman, Mich., to Traverse City, Mich.)*. From the Pullman, Mich., omnirange station via the Grand Rapids, Mich., ILS outer marker; White Cloud, Mich., omnirange station; to the Traverse City, Mich., LF radio range station.

18. Section 600.6195 is amended to read:

§ 600.6195 *VOR civil airway No. 195 (Oakland, Calif., to Red Bluff, Calif.)*. From the Oakland, Calif., omnirange station via the Sacramento, Calif., omnirange station; Williams, Calif., omnirange station, including a west alternate from the Oakland omnirange station to the Williams omnirange station via the point of intersection of the Sacramento omnirange 218° True and the Williams omnirange 167° True radials; to the Red Bluff, Calif., omnirange station.

19. Section 600.6199 is amended to read:

§ 600.6199 *VOR civil airway No. 199 (Fresno, Calif., to Ukiah, Calif.)* From the Fresno, Calif., omnirange station via the intersection of the Fresno omnirange 287° True and the San Francisco omnirange 111° True radials; San Francisco, Calif., omnirange station; intersection of the San Francisco omnirange 304° True and the Ukiah omnirange 172° True radials; to the Ukiah, Calif., omnirange station.

20. Section 600.6200 is amended to read:

§ 600.6200 *VOR civil airway No. 200 (Ukiah, Calif., to Reno, Nev.)* From the Ukiah, Calif., omnirange station via the Williams, Calif., omnirange station; intersection of the Williams omnirange 061° True and the Reno omnirange 263° True radials; to the Reno, Nev., omnirange station.

21. Section 600.6210 is added to read:

§ 600.6210 *VOR civil airway No. 210 (Los Angeles, Calif., to Daggett, Calif.)* From the Los Angeles, Calif., omnirange station via the intersection of the Los

Angeles omnirange 057° True and the Daggett omnirange 235° True radials; to the Daggett, Calif., omnirange station.

22. Section 600.6212 is added to read:

§ 600.6212 *VOR civil airway No. 212 (Ukiah, Calif., to Reno, Nev.)* From the Ukiah, Calif., omnirange station via the intersection of the Ukiah omnirange 172° True and the Williams omnirange 241° True radials; Williams, Calif., omnirange station; point of intersection of the Williams omnirange 104° True and the Sacramento, Calif., omnirange 055° True radials; point of intersection of the Sacramento omnirange 055° True and the Reno omnirange 230° True radials; to the Reno, Nev., omnirange station.

23. Section 600.6214 is added to read:

§ 600.6214 *VOR civil airway No. 214 (Muskegon, Mich., to Saginaw, Mich.)* From the Muskegon, Mich., omnirange station to the Saginaw, Mich., nondirectional radio beacon.

24. Section 600.6215 is added to read:

§ 600.6215 *VOR civil airway No. 215 (Muskegon, Mich., to White Cloud, Mich.)* From the Muskegon, Mich., omnirange station to the White Cloud, Mich., omnirange station.

25. Section 600.6221 is added to read:

§ 600.6221 *VOR civil airway No. 221 (Fort Wayne, Ind., to Detroit, Mich.)* From the Fort Wayne, Ind., omnirange station via the Litchfield, Mich., omnirange station; to the Salem, Mich., omnirange station.

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., January 12, 1956.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-9952; Filed, Dec. 12, 1955; 8:45 a. m.]

[Amdt. 1]

PART 601—DESIGNATION OF CONTROL AREAS CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of Section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.225 is added to read:

§ 601.225 *Red civil airway No. 25 control areas (United States-Canadian Border to Bangor Maine)* All of Red civil airway No. 25.

2. Section 601.674 *Blue civil airway No. 74 control areas (Willard, N. Mex., to Otto, N. Mex.)* is revoked.

3. Section 601.1002 is amended to read:

§ 601.1002 *Control area extension (Austin, Tex.)* That airspace within a 40-mile radius of the Austin radio range station, excluding the portion which overlaps restricted area (R-343)

4. Section 601.1036 *Control area extension (West Palm Beach, Fla.)* is amended by changing last portion to read: "The airspace which lies within Patrick AFB warning area (W-497-B) and Miami warning area (W-171) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control."

5. Section 601.1389 *Control area extension (Miami, Fla.)* is amended by adding the following phrase to present control area extension: "The airspace which lies within Patrick AFB warning area (W-497-B) and Miami warning area (W-171) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control."

6. Section 601.1393 is added to read:

§ 601.1393 *Control area extension (Roswell, N. Mex.)* That airspace within 5 miles either side of the 40° True radial of the Roswell omnirange extending from the omnirange station to a point 25 miles northeast.

7. Section 601.1394 is added to read:

§ 601.1394 *Control area extension (Williams, Calif.)* That airspace southwest of Williams, Calif., bounded on the north by VOR civil airway No. 212, on the east by Blue civil airway No. 10 and on the southwest by VOR civil airway No. 107, and the airspace south of Williams, Calif., bounded on the west by Blue civil airway No. 10, on the east by Blue civil airway No. 7 and on the southeast by the Fairfield, Calif., control area extension.

8. Section 601.2124 is amended to read:

§ 601.2124 *Roswell, N. Mex., control zone.* Within a 15-mile radius of the Roswell radio range station and within 2 miles either side of the 220° True and 297° True radials of the Roswell omnirange extending from the omnirange station to points 10 miles southwest and northwest.

9. Section 601.2146 *Greenwood, Miss., control zone* is amended by changing last portion to read: "and within 2 miles either side of the 066° True and 246° True radials of the Greenwood omnirange extending from the airport to a point 10 miles southwest of the omnirange station."

10. Section 601.2229 is amended to read:

§ 601.2229 *Fairfield, Calif., control zone.* Within a 5-mile radius of Travis Air Force Base, within 2 miles either side of the southwest course of the Travis AFB radio range extending from the Air Force Base to a point 20 miles southwest

of the AFB, and within 3 miles either side of the southwest and northeast courses of the radio range extending from the Air Force Base to a point 15 miles of northeast of the AFB.

11. Section 601.4015 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.)* is amended by changing "Smithville, Tenn., radio range station;" to read: "Smithville, Tenn., nondirectional radio beacon;"

12. Section 601.4225 is added to read:

§ 601.4225 *Red civil airway No. 25 (United States-Canadian Border to Bangor Maine)* No reporting point designation.

13. Section 601.4674 *Blue civil airway No. 74 (Willard, N. Mex., to Otto, N. Mex.)* is revoked.

14. Section 601.6011 is amended to read:

§ 601.6011 *VOR civil airway No. 11 control areas (Memphis, Tenn., to Detroit, Mich.)* All of VOR civil airway No. 11 including east alternates and a west alternate.

15. Section 601.6037 is amended to read:

§ 601.6037 *VOR civil airway No. 37 control areas (Savannah, Ga., to Erie, Pa.)* All of VOR civil airway No. 37.

16. Section 601.6065 is amended to read:

§ 601.6065 *VOR civil airway No. 65 control areas (Kansas City, Mo., to Lamon, Iowa)* All of VOR civil airway No. 65.

17. Section 601.6154 is amended to read:

§ 601.6154 *VOR civil airway No. 154 control areas (Meridian, Miss., to Savannah, Ga.)* All of VOR civil airway No. 154, including a north alternate.

18. Section 601.6172 is amended to read:

§ 601.6172 *VOR civil airway No. 172 control areas (Omaha, Nebr., to Chicago, Ill.)* All of VOR civil airway No. 172 including a south alternate.

19. Section 601.6185 is amended to read:

§ 601.6185 *VOR civil airway No. 185 control areas (Savannah, Ga., to Knoxville, Tenn.)* All of VOR civil airway No. 185 including an east and a west alternate, but excluding the airspace between the main airway and its west alternate airway from the Augusta, Ga., omnirange station to the Asheville, N. C., omnirange station and also excluding the airspace between the main airway and its east alternate from the Asheville, N. C., omnirange station to the Knoxville, Tenn., omnirange station.

20. Section 601.6193 is amended to read:

§ 601.6193 *VOR civil airway No. 193 control areas (Pullman Mich., to Traverse City, Mich.)* All of VOR civil airway No. 193.

21. Section 601.6195 is amended to read:

§ 601.6195 *VOR civil airway No. 195 control areas (Oakland, Calif., to Red Bluff, Calif.)* All of VOR civil airway No. 195 including a west alternate.

22. Section 601.6199 is amended to read:

§ 601.6199 *VOR civil airway No. 199 control areas (Fresno, Calif., to Ukiah, Calif.)* All of VOR civil airway No. 199.

23. Section 601.6200 is amended to read:

§ 601.6200 *VOR civil airway No. 200 control areas (Ukiah, Calif., to Reno, Nev.)* All of VOR civil airway No. 200.

24. Section 601.6210 is added to read:

§ 601.6210 *VOR civil airway No. 210 control areas (Los Angeles, Calif., to Daggett, Calif.)*. All of VOR civil airway No. 210.

25. Section 601.6212 is added to read:

§ 601.6212 *VOR civil airway No. 212 control areas (Ukiah, Calif., to Reno, Nev.)* All of VOR civil airway No. 212.

26. Section 601.6214 is added to read:

§ 601.6214 *VOR civil airway No. 214 control areas (Muskegon, Mich., to Saginaw, Mich.)* All of VOR civil airway No. 214.

27. Section 601.6215 is added to read:

§ 601.6215 *VOR civil airway No. 215 control areas (Muskegon, Mich., to White Cloud, Mich.)* All of VOR civil airway No. 215.

28. Section 601.6221 is added to read:

§ 601.6221 *VOR civil airway No. 221 control areas (Fort Wayne, Ind., to Detroit, Mich.)* All of VOR civil airway No. 221.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1107, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. January 12, 1956.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-9953; Filed, Dec. 12, 1955; 8:45 a. m.]

[Amdt. 145]

PART 608—RESTRICTED AREAS

ALTERATION

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.21, a Savanna, Illinois, temporary area (R-498) is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of day in effect	Controlling agency
SAVANNA (R-498) (Dubuque).	All that area within a circle whose radius is 1.0 statute mile and whose center is located at latitude 42°15'15" and longitude 92°21'21"	Surface to 1,000 feet mean sea level.	Unlimited from Dec. 27, 1955, through July 15, 1956.	Commanding Officer, Savanna Ordnance District, Savanna, Ill.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on December 20, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-9971; Filed, Dec. 12, 1955; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53969]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

PERFUMES

It has been determined that shipments valued not over \$1 should not be excluded from the administrative exemption from duty and tax under the provisions of section 321 (a) (2) (C), Tariff Act of 1930, as amended, by reason of their containing perfume made in part of alcohol. Accordingly, § 8.3 (d) (5) of the Customs Regulations is amended to read as follows:

(5) No alcoholic beverage, perfume containing alcohol (except where the aggregate value of all merchandise contained in the shipment does not exceed \$1) or tobacco product shall be exempted from the payment of duty and tax under this section.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 7, 52 Stat. 1031, as amended; 19 U. S. C. 1321)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: December 7, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-9993; Filed, Dec. 12, 1955; 8:50 a. m.]

[T. D. 53970]

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

ELIMINATION OF CORDING AND SEALING OF BAGGAGE SHIPPED IN BOND

The cording and sealing of baggage shipped in bond to a port of entry other than the port of first arrival or shipped in transit through the United States to foreign countries are hereby eliminated and §§ 18.13 and 18.14 of the Customs Regulations are hereby amended to provide therefor as follows:

Section 18.13 (a) is amended by deleting "under cord and seal and" from the first sentence and substituting "with the use of a"

Section 18.13 (b) is amended by deleting "placed on the cords back of the seal" from the second sentence and substituting "securely attached by wire or cord to the baggage"

The second sentence of § 18.14 is amended to read: "Such baggage shall be shipped under the regulations prescribed in the preceding section, except that the card or poster shall be printed on yellow paper and shall read 'Baggage in bond for export.'"

(R. S. 161, 231, sec. 624, 46 Stat. 759; 5 U. S. C. 23, 19 U. S. C. 63, 1624. Interpret or apply secs. 498, 552, 553, 742, as amended; 19 U. S. C. 1493, 1552, 1553)

A notice of proposed rule making was published in the FEDERAL REGISTER of September 29, 1955 (20 F. R. 7257). No written data or views having been submitted, the above regulations have been adopted.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: December 7, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-9334; Filed, Dec. 12, 1955; 8:50 a. m.]

[T. D. 53367]

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

FINES, PENALTIES, AND FORFEITURES

It has become evident that collectors of customs and their staffs are conversant with the standards whereby relief has been afforded or denied by the Bureau of Customs as to certain fines, penalties, and forfeitures incurred under the customs or navigation laws administered by the Bureau and that a delegation of authority to take final action in the field is warranted as to certain of such cases. Therefore, to serve the public more effectively by promoting the prompt disposition of selected fines, penalties, and forfeitures arising under certain of the customs or navigation laws, Part 23 of the Customs Regulations is amended as follows:

1. The first sentence of § 23.24 (a) is amended to read as follows: "Any petition for the remission or mitigation of a fine, penalty, or forfeiture incurred under any law administered by the Bureau of Customs or for the restoration of the proceeds of a sale of property forfeited under the customs laws shall be addressed to the Commissioner of Customs, unless final action thereon may be taken by the collector of customs, in which event it shall be addressed to the collector concerned, and shall be signed by the petitioner and filed with the collector of customs of the district in which the

property was seized or the fine or penalty imposed."

2. Section 23.25 (a) is amended to read as follows:

(a) Fines, penalties, and forfeitures incurred under any law administered by the Bureau of Customs may be mitigated or remitted by the collector of customs concerned in the following cases on such terms and conditions as, under the law and in view of the circumstances, he shall deem appropriate:

(1) Fines and other pecuniary penalties aggregating less than \$100 in respect of any one offense.

(2) Penalties of \$500 each imposed under the Air Commerce Act of 1926, as amended, for failure to manifest merchandise or for landing merchandise without a permit (see § 6.11 of this chapter) provided the value of the merchandise does not exceed \$100.

(3) When imported merchandise or the value thereof has become subject to forfeiture and the duty is \$100 or less, or the merchandise is nondutiable and valued at \$500 or less.

(4) When merchandise, other than imported merchandise, has become subject to forfeiture, is valued at \$500 or less, and no liability outside the purview of any subdivision of this paragraph (a) has been incurred in connection with the same offense.

(5) The collector of customs at the port of New York may remit or mitigate penalties incurred in his district under section 453 or 584, Tariff Act of 1930, provided the aggregate of the penalties incurred under either or both sections by the offender in the case under consideration does not exceed \$1,000.

(6) Fines or other pecuniary penalties, aggregating not more than \$2,000 in respect of any one offense, as follows:

TARIFF ACT OF 1930

Section		
436	Failure to report arrival or enter.....	Master; \$1,000.
439	Failure to transmit or deliver copy of manifest.....	Master; \$500.
440	Failure to make or to transmit or deliver post entry.....	Master; \$500.
445	Violation of residue cargo procedures.....	Master; \$500.

TITLE 46, UNITED STATES CODE

22	Master's oath of citizenship false.....	Master; \$1,000.
23	Failure surrender register when vessel lost, captured, broken up or sold foreign.....	Master or owner; \$500.
30	Failure to surrender temporary register granted upon change of vessel ownership.....	Master and owner; \$100.
32	Failure to surrender temporary register granted upon purchase of vessel through an agent.....	Master and owner; \$100.
37	Failure to surrender temporary register granted in lieu of one lost or destroyed.....	Master; \$100.
38	Failure to surrender outstanding register when re-registration required.....	Owner; \$500.
40	Failure to report change of master.....	Master; \$100.
45	Failure to mark official number.....	Owner; \$30 each vessel arrival.
46	Failure to mark name and home port.....	Owner; \$10 each name.
77	Failure to mark net tonnage.....	Owner; \$30 each vessel.
91, 95	Clearance violation.....	Master; \$500-\$1,000.
92, 95	Clearance violation.....	Bond; up to \$1,000.
101	Failure to report consular fees paid.....	Bond; up to \$1,000.
162	Improper berths for steerage passengers.....	Master; \$50.
163	Improper lighting, air, etc.....	Master; \$5 each passenger.
165	Lack of hospital, surgeon, medicine.....	Master; \$250.
166	Failure to keep discipline, cleanliness, etc.....	Master; \$250.
169	Failure to pay passenger death fee.....	Master or consignee; \$50 each passenger.
265	Failure to surrender temporary register or enrollment upon arrival home port.....	Master; \$100.
267	Failure to deliver license for renewal or surrender.....	Master; \$10.
276	Failure to report change of master, licensed vessel.....	Master; \$10.
277	Failure to exhibit marina document to inspecting officer.....	Master; \$100.
280	Foreign vessel transporting passengers in coastwise trade.....	Owner; \$200 each passenger.
315	Foreign vessel violating coastwise manifesting and permit procedures.....	Master; \$100.
316 (a)	Foreign vessel engaging in coastwise towing.....	Owner and master \$250-\$1,000 each; \$50/ton vessel towed.
319	Fishing or trading coastwise without license.....	Owner; \$30 each arrival.
323	Alteration of vessel papers.....	Violator; \$500.
403	Failure to mark steam vessel name on pilot house.....	Owner; \$10 each name omitted.

(7) Forfeitures of merchandise under section 883, title 46, United States Code, illegally transported coastwise, when the merchandise subject to forfeiture is valued at not more than \$2,000, or without regard to value if the violation occurred as the direct result of an arrival of the transporting vessel in distress.

(8) Penalties and forfeitures, aggregating under \$20,000 in any one case and incurred under section 460, Tariff Act of 1930, as amended, for failure to report as required by section 459, Tariff Act of 1930, as amended, in the following cases:

(i) Violations due to ignorance of the reporting requirements or to inadvertence and either no merchandise, or only typical personal or souvenir merchan-

dise which would have been free of duty, if entered, is carried in the vessel or vehicle, or

(ii) Where the violation is the first offense, although not due to ignorance or inadvertence, and no intended commercial use or threat to the revenue is involved, or

(iii) Pedestrians carrying merchandise of nominal value and no intended commercial use is involved.

3. Section 23.25 (d) is amended to read as follows:

(d) If the interested party is not satisfied with the collector's decision, he may file a supplemental petition with the collector to be forwarded to the Bureau for

reconsideration of the case. A statement to that effect shall be contained in each notification to an interested party of the collector's action on any petition for relief.

(Sec. 618, 46 Stat. 757, sec. 1, 40 Stat. 223, as amended; 19 U. S. C. 1618, 22 U. S. C. 401, 28 U. S. C. 3726)

(R. S. 161, 251, sec. 624, 46 Stat. 750; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

RALPH KELLY,
Commissioner of Customs.

Approved: December 5, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-9979; Filed, Dec. 12, 1955;
8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 533—GRATUITY UPON DEATH

MISCELLANEOUS AMENDMENTS

Subparagraph (6) is added to § 533.1 (b) paragraph (a) of § 533.4 is revised; and paragraph (f) is added to § 533.12, as follows:

§ 533.1 General. * * *

(b) Statutory authority. * * *

(6) Section 5, act April 3, 1939 (53 Stat. 557) as amended by act July 25, 1939 (53 Stat. 1079), and act December 10, 1941 (55 Stat. 796)

* * * * *

§ 533.4 Six months' gratuity payable to beneficiaries of other than Regular Army members. * * *

(a) All officers, warrant officers, and enlisted members of the Army of the United States (other than the officers and enlisted members of the Regular Army) who:

(1) If called or ordered into the active military service by the Federal Government for extended military service in excess of 30 days, suffer death in line of duty from disease while so engaged; or

(2) If called or ordered by the Federal Government to active military service or to perform active duty for training or inactive duty training for any period of time suffer death in line of duty from injury while so engaged.

* * * * *

§ 533.12 Special determinations. * * *

(f) Death occurred not in line of duty but not result of member's own misconduct. The provisions of section 5, act April 3, 1939 (53 Stat. 557), as amended, extend to designated beneficiaries of all officers and enlisted members of the Army of the United States on active duty (except officers and enlisted members of the Regular Army), the right to receive the 6 months' death gratuity benefits the same as applicable to beneficiaries of members of the Regular Army, provided by the act of December 17, 1919 (41 Stat. 367), as amended, when death of such members occurs in line of duty. The gratuity thus authorized may be paid without regard to whether death occurred in line of duty if there be met the condition of the act of December 17,

1919, that death shall not have occurred as the result of the member's own misconduct. See 22 Comp. Gen. 37.

[C1, AR 35-1370, November 21, 1955] (R. S. 161; 5 U. S. C. 22. Interpret or apply secs. 1, 2, 41 Stat. 367, as amended, sec. 5, 53 Stat. 557, as amended; 10 U. S. C. 456, 903)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-10006; Filed, Dec. 12, 1955;
8:52 a.m.]

Chapter XI—National Guard and State Guard, Department of the Army

PART 1101—NATIONAL GUARD REGULATIONS

ENLISTED MEN

Sections 1101.14, 1101.15, and 1101.16 are revised and § 1101.17 is revoked, as follows:

§ 1101.14 *Qualifications for enlistment or reenlistment*—(a) *Applicability*. Within the regulations of §§ 1101.14 to 1101.16 the term "National Guard" shall be construed as applying to the federally recognized National Guard of any State, Territory, Commonwealth of Puerto Rico, or the District of Columbia, and the standards of enlistment set forth shall be the qualifications required of enlisted personnel of units inspected for Federal recognition.

(b) *Citizenship*. Applicants who are otherwise qualified may be enlisted if they are:

(1) Citizens of the United States.

(2) Aliens who can present written evidence that they have made legal declaration of their intention to become citizens of the United States. Only those declarant citizens who can present the duplicate or triplicate copy of declaration of intention (United States Department of Justice; Immigration and Naturalization Service Form N-315, duly authenticated by a Federal district court, are eligible for enlistment in the National Guard. Title 18, U. S. C., section 1426 (h) prohibits the reproduction of a declaration of intention to become a citizen, or certificate of naturalization. Under no circumstances will these forms be reproduced.

(c) *Age requirements*. The age requirements for enlistment or reenlistment are:

(1) 18 through 35 years, except as provided in this paragraph.

(i) Any applicant may be accepted for enlistment who is 17 years of age but who has not reached his 18th birthday provided he furnishes written consent of his parents or guardian on DD Form 373 (Consent, Declaration of Parent or Legal Guardian) before enlistment is effected. If the applicant has neither parents nor guardian, a statement to that effect will be typed on the enlistment record, in space reserved for remarks, by the enlisting officer. This entry will be read to the applicant and initialed by him.

(ii) DD Form 373:

(a) Will be signed by both parents or guardian and witnessed by a commis-

sioned, warrant, or noncommissioned officer of the National Guard or a Notary Public. However, the consent of one parent may be accepted if the other parent has been or is to be absent for an extended period of time. In case of such absence the one parent signing the consent agreement will also add in his or her own handwriting in the space provided for the signature of the other parent: "Not available for signature."

(b) Will not be accepted if either parent objects.

(c) Need not be verified unless required by State military authorities.

(iii) DD Form 373 will be prepared and signed in quadruplicate. A copy will be fastened to the original and each copy of the enlistment record.

(2) The maximum age limit of 35 years applies only to persons without prior service. A person who is otherwise qualified and meets the criteria shown below may be enlisted or re-enlisted in the National Guard: *Provided*, That no term of enlistment will extend beyond his sixtieth birthday. *And provided further* That he has had total active service in the federally recognized National Guard since June 15, 1933, the Regular Army, Army of the United States, United States Air Force, United States Navy, United States Marine Corps, or any reserve component thereof, equal to or exceeding that shown in the following table:

Age:	Prior service required
36 and 38----	1 year.
38 under 41--	2 years.
41 and over--	2 years plus the number of years applicant is over age of 40.

(3) Applicants who have been awarded decorations of the Silver Star, or higher, will be accepted for enlistment or reenlistment without regard to age limitations provided that no term of enlistment will extend beyond his 60th birthday.

(4) Applicants who have reached their 36th and have not reached their 45th birthday at time of application for enlistment may be accepted for original enlistment and service in nondivisional AAA units of the National Guard. Such individuals are limited in assignment to such units and for service only within the continental United States. Under "Remarks" section of the enlistment record, qualification record, and service record the following entry will be made:

By policy of the Department of the Army, individual will not be employed in the service of the United States outside the continental United States without his consent.

(5) Applicants who have reached their 45th and have not reached their 55th birthday at time of application for enlistment or reenlistment may be accepted for service in nondivisional AAA units provided they have served at least 1 year in an Armed Force of the United States, or a reserve component thereof. The same limitation of assignment contained in subparagraph (4) of this paragraph, is applicable and the same entry will be made on the enlistment record, qualification record, and service record.

(6) Applicants possessing technical skills needed by the National Guard who

have reached their 36th and have not reached their 45th birthday, may, when specifically authorized by the Adjutant General of the State, Territory, Commonwealth of Puerto Rico, or the District of Columbia, be accepted for enlistment and service in State Headquarters and Headquarters Detachments. A person in this category will not be transferred to another unit unless he fulfills the age criteria for enlistment therein and is qualified for general military service.

(d) *United States civilian officials and employees*. (1) The following will be enlisted or reenlisted only upon written request signed by the applicant prior to enlistment in which he specifically states that he desires to waive his exemption from "militia" duty.

(i) Officers, judicial and executive, of the Government of United States and of the several States;

(ii) Customhouse clerks;

(iii) Persons employed by the United States in the transmission of the mails;

(iv) Artificers and workmen employed in Government armories, Arsenals, and Navy Yards;

(v) Pilots and mariners actually employed in the sea service of any citizen or merchant within the United States.

(2) A civilian official or employee of the United States or of the District of Columbia, including postal employees, and artificers or workmen employed in Government armories, Arsenals, or Navy Yards, will not be enlisted or reenlisted in the National Guard without the written consent of the local head of the Department or service in which he is employed. Such consent will be obtained prior to enlistment or reenlistment.

(e) *Dependency and hardship*. (1) A person who was previously discharged from one of the Armed Forces of the United States for hardship or dependency may not be accepted for enlistment (or reenlistment) unless it has been determined by investigation, conducted by the enlisting officer, that the reasons for which discharged no longer exist. An affidavit giving reasons for discharge, how they have been overcome, and that he will be available and not request discharge on account of dependency or hardship in the event of an emergency, will be obtained from the applicant.

(2) Any other person with four or more dependents may not be accepted for enlistment (or reenlistment) unless it has been determined by investigation that applicant will be available and will not request discharge on account of dependency or hardship in the event of an emergency and an affidavit to this effect is obtained from the applicant.

(3) Affidavits mentioned in subparagraphs (1) and (2) of this paragraph, will be obtained prior to administering the oath and a copy thereof will be securely attached to each copy of the enlistment record.

(f) *Waiver of benefits*. (1) As used herein the term "benefits" pertains to a pension, retirement pay, disability allowance, disability commutation or retired pay from the Government of the United States by virtue of prior military service.

(2) Applicants for enlistment who are entitled to the above benefits, except those retired for physical disability, age, and enlisted men retired under the provisions of Public Law 190, 79th Congress (59 Stat. 538) are eligible for enlistment and reenlistment in the National Guard provided:

(i) They are otherwise qualified in all respects.

(ii) They waive, for the remainder of the current fiscal year and upon commencement of each fiscal year thereafter, either that portion of their benefits for the days for which they receive Federal pay for services as members of the Federally recognized National Guard, or their National Guard pay and allowances.

(3) The above waiver of dual payment will be prepared in duplicate by the applicant and addressed to the appropriate office having jurisdiction over his claim, e. g., Veterans Administration or Retired Pay Branch, Finance Center, United States Army, Indianapolis, Indiana. (If National Guard training pay is waived, the form will be modified accordingly, prepared in original only, filed in the individual's personnel records jacket, and the remark "Waived National Guard training duty pay" entered on each payroll on which the individual is shown.)

(g) *Residence.* An applicant for enlistment will not be accepted unless he lives within such distance of the home station of the unit in which he desires to enlist that he can properly perform his military duties.

(h) *Physical qualification—(1) General.* All applicants for enlistment will appear before an authorized medical examiner for physical examination in accordance with the standards prescribed for the National Guard. Final determination of physical eligibility of all applicants will be subject to review by the Chief, National Guard Bureau.

(2) *Report of physical examination.* The medical examiner will check for any history of previous rejection or discharge for physical reasons, and will note in "Remarks" whether or not the physical disability still exists or has been corrected. If the applicant is acceptable for enlistment from a physical standpoint, such fact will be indicated in item 77 of Standard Form 88 (Report of Medical Examination)

(i) *General examination of applicants—(1) General.* An officer of the National Guard will examine each applicant for enlistment, asking the questions contained on the enlistment record to determine whether the applicant fills the requirements for enlistment. If any statement of the applicant indicates a cause for rejection, the officer will inform the applicant that he is not eligible for enlistment, or if appropriate, not acceptable unless waiver is secured, and make notation accordingly on the enlistment record.

(2) *Evidence of character.* The enlisting officer to whom application is made for enlistment in the National Guard will require any evidence of good character as may be desirable. If the applicant has prior service an instru-

ment of discharge (DD Form 214 (Report of Separation) or other similar document) will be presented to the enlisting officer for verification after which it will be returned to the applicant.

(j) *Loyalty certificates.* (1) Each applicant for enlistment or reenlistment in the National Guard will accomplish a DD Form 98 (Loyalty Certificate for Personnel of the Armed Forces) and, where applicable, DD Form 398 (Statement of Personnel History) prior to enlistment or reenlistment.

(2) Each applicant is subject to the provisions of paragraph 14, AR 604-10 (pertaining to personnel security clearance) and in addition to accomplishing the DD Form 98, is required to accomplish and initial the following certificate in item 38 of DD Form 4 (Enlistment Record)

I have read or had explained to me paragraph 13, AR 604-10 as sets forth the criteria (reasons) for discharge and types of discharge, and certify that I () have () have never engaged in disloyal or subversive activities as defined therein.

(3) If the applicant for enlistment or reenlistment refuses to sign the DD Form 98, or to initial the loyalty certificate in item 38 of DD Form 4, he will not be accepted. If the applicant is a member of another reserve component, the National Guard Bureau will be notified of his refusal to sign the DD Form 98 so that his reserve component can be informed.

(4) If the applicant for enlistment or reenlistment completes the DD Form 98 with qualifications, or entries are made thereon which provide reasons for belief that his enlistment or reenlistment is not clearly consistent with National Guard security, the following will apply:

(i) The enlistment or reenlistment will be held in abeyance pending specific approval of the Chief, National Guard Bureau.

(ii) DD Form 98 together with DD Form 398 (in triplicate) will be forwarded to the Chief of National Guard Bureau.

(k) *Classes ineligible unless waiver is authorized by the Chief, National Guard Bureau.* The following classes of applicants are ineligible for enlistment or reenlistment unless waiver is authorized by the Chief, National Guard Bureau, pursuant to paragraph (m) of this section.

(1) A person who has been discharged from active Federal service, whose total time lost under 41 Stat. 809, as amended by section 6 (a) 64 Stat. 145, was 60 days or more during his last period of enlistment or period of active duty.

(2) Applicants for initial enlistment who have been tried, convicted, or imprisoned under sentence of a civil court for other than a felony, and those who have a record of an adverse adjudication by a juvenile court. (Applicants with record of minor offenses including minor traffic violation, single cases of drunkenness, vagrancy, truancy, peace disturbance, etc., for which no type of civil restraint exists, may be enlisted without waiver.

(3) Applicants for reenlistment in the National Guard who are discharged and apply for reenlistment without a break in National Guard service, who are on parole, probation or suspended sentence by reason of conviction for a misdemeanor by a civil court or adverse adjudication by a juvenile court.

(4) Applicants with prior service in any of the Armed Forces who fail to meet the prescribed physical standards, and those applicants last separated by reason of physical disability (even though they currently meet the prescribed physical standards) This includes personnel whose report of separation contains the following notation: "SR 600-450-10, for the convenience of the Government—Disability existing prior to active service and not aggravated by military service," or "Medical disqualification EPTS, SR 600-450-10."

(5) Applicants classified IV-F by Selective Service.

(6) Applicants last discharged by reason of any of the following regulations or conditions:

(i) Applicants last discharge from the Army under AR 615-364 (dishonorable and bad conduct), AR 615-366, (misconduct), AR 615-368 (unfitness), or AR 635-209 (inaptitude or unsuitability), and applicants last discharged by similar authority from the other services.

(ii) Applicants whose DD Form 214 (Report of Separation from the Armed Forces of the United States) or similar document includes the following: "EM does not meet prescribed requirements for retention;" "Adjudged a Youthful offender" or AFR 39-14, and 1tr AFPMP-4h, 20 March 1950, subject: Discharge of Physically Disqualified Airmen for Convenience of the Government."

(iii) Applicants whose DD Form 214 or similar document includes the following statement under item 38: "Par. 11, SR 615-105-1, applies," or "Par. 9, AR 615-120 applies."

(iv) Former commissioned officers or warrant officer last separated from any of the Armed Forces, whether as a direct result of trial by courts-martial, reclassification, or elimination proceedings or by resignation in lieu thereof, and former officers and warrant officers last separated under SR 605-200 (demotion and elimination)

(1) *Classes ineligible; waivers not authorized.* The following classes of applicants are ineligible for enlistment or reenlistment and no waivers will be authorized:

(1) Persons convicted of felonies, persons who have felonious charges filed and pending against them; and persons on parole, probation or suspended sentence of any civil court for any offense, except as indicated in paragraph (k) (3) of this section.

(2) Persons who are intoxicated, insane, not of good character and temperate habits, or who have a record of emotional instability.

(3) Persons who claim prior honorable service but who are unable to produce written evidence of such service (DD Form 214 or similar document) will

not be enlisted until official verification of service is received.

(4) Persons whose last report of separation shows that severance pay was received.

(5) Persons who do not speak, read and write English, except where the language used is predominantly other than English.

(6) Deserters from any of the Armed Forces of the United States.

(7) An alien who has not filed his legal declaration to become a citizen of the United States. (See paragraph (b) (2) of this section.)

(8) Applicants under 17 and those who have passed the 36th anniversary of their birth, except as authorized in paragraph (c) of this section.

(9) Persons who draw a disability pension, disability allowance, or disability compensation from the Government of the United States unless waived pursuant to paragraph (f) of this section.

(10) Persons who draw retirement pay from the Government of the United States where retirement has been made on account of physical disability or age.

(11) A person who is a member of the Regular Army, Navy, Air Force, United States Marine Corps, United States Coast Guard, Coast and Geodetic Survey.

(12) A person who is a member of any reserve component of the Armed Forces other than enlisted members of the Army Reserve unless conditional release from such membership from the appropriate discharge authority is presented.

(13) Persons who are bonafide members of the Navy ROTC or the Advanced Air Force ROTC.

(14) Applicants who admit participation or whose available records show that they have at any time engaged in disloyal or subversive activities, applicants who refuse to sign the Loyalty Certificate for Personnel of the Armed Forces (DD Form 98), and applicants who sign the certificate and claim Federal constitutional privileges under the Fifth Amendment or Article 31, Uniform Code of Military Justice, except when authorized under the provisions of paragraph (j) of this section.

(15) A person who is a conscientious objector. If an individual has been a conscientious objector, he will be required to furnish an affidavit which will express his abandonment of such beliefs and principles so far as they pertain to his willingness to bear arms and to give full and unqualified military service to the United States; and where appropriate, he must have demonstrated that he has changed his views by subsequent military service. An affidavit will be prepared in quadruplicate and copy attached to each copy of the enlistment record.

(16) Cadets, United States Military Academy, Midshipmen, United States Naval Academy, Cadets, United States Coast Guard Academy, Aviation Cadets, United States Air Force, and Cadets, United States Air Force Academy.

(17) Selective Service registrants who have received orders from their local board to report for preinduction physical and mental examination, or to report

for induction, unless the order has been cancelled and release is obtained from the local Selective Service Board.

(18) Retired enlisted persons who are members of other reserve components of the Armed Forces.

(19) Applicants separated from their last period of active service in any of the Armed Forces under any of the regulations and/or conditions prescribed in AR 615-120 (Qualifications for enlistment or reenlistment in Regular Army)

(m) *Waivers.* (1) Recommendations for waiver will be submitted by the unit commander, through normal channels, on applicants who fail to meet qualifications for enlistment under paragraph (k) of this section. Recommendation will contain the following data:

(i) One copy of the Enlistment Record completed except for oath and signature; one copy of Standard Form 88 (Report of Medical Examination), and one copy of Standard Form 89 (Report of Medical History).

(ii) Verified statement of all prior service to include dates of service, grades held, position or Military Occupational Specialty, and branch in which duty was performed.

(iii) A statement outlining proposed use of the applicant, TOE position vacancy, and the Military Occupational Specialty applicable.

(iv) Unit designation for which duty assignment is contemplated.

(v) Recommendation of commanding officer of each forwarding headquarters.

(2) Recommendations for waiver of disqualifications in either paragraph (b) (2) or (3) of this section, in addition to the above, must contain the following:

(i) Statement from civil authorities as to the offense committed with results of adjudication; to include nature of restraint with dates.

(ii) Statements from a minimum of three reliable citizens who have known the applicant for at least a year as to his character, habits, reputation, and employment.

In the event that civil authorities decline to furnish information pertaining to juvenile or youthful offender records, the burden of obtaining it is upon the applicant.

§ 1101.15 *Enlistments*—(a) *Grades.* (1) Applicants without prior service will be enlisted in grade of Pvt-E-1.

(2) Persons with prior service, of the type and in the amount prescribed below, may be enlisted in a higher grade, provided TOE vacancy exists, as follows:

(i) Persons who have 4 months or more creditable service for pay purposes and who do not meet the requirements for enlistment in a higher grade, may be enlisted in grade of Pvt-E-2.

(ii) Persons may be enlisted in a grade (NCO, Specialist, or Private 1st Class) equivalent to the grade held in the Army of the United States, United States Air Force, United States Marine Corps, or a reserve component thereof, at the time of last release or discharge.

(iii) Persons who entered the active military service of the United States with the National Guard on or subse-

quent to 16 September 1940 and who re-enlist therein subsequent to release or discharge from such service, may be re-enlisted in a grade (NCO, Specialist, or Private 1st Class) equivalent to their former National Guard grade.

(iv) Persons may be re-enlisted in the National Guard in a grade (NCO, Specialist, or Private 1st Class) equivalent to the grade held at time of last discharge from the National Guard.

(b) *Periods of enlistment.* (1) Applicants without prior service in the National Guard will be enlisted for a period of 3 years.

(2) Applicants with prior service in the National Guard will be enlisted for a period of either 1 or 3 years.

(c) *Enlistment and administration of oath*—(1) *General.* If an applicant has successfully passed the screening required or received an approved waiver of any disqualification, an officer will read to him the oath of enlistment and explain to him the term of service, the responsibilities he assumes, the service obligation he acquires, if applicable, the possible active duty service and the pay and allowances to which he will be entitled. The officer will then complete the enlistment by administering the above mentioned oath and requiring the enlisted person to sign all copies of the enlistment record. The officer will then sign the certificate of enlistment on all copies of the enlistment record.

(2) *Who may administer the oath.* Any commissioned officer of the National Guard so authorized by the laws of the State may administer the oath. Oaths of enlistment may not be administered by warrant officers. Federal inspectors also may administer oaths under the provisions of National Guard Regulations.

§ 1101.16 *Date of enlistment and recognition.* (a) The date on which the oath is administered is the date of enlistment. Retroactive enlistments are not authorized.

(b) If enlisted person has already qualified by taking the required oath as a member of a National Guard unit not yet Federally recognized, his own recognition becomes effective on the date his unit is recognized.

(c) If a person enlists in a Federally recognized unit of the National Guard, the date on which he takes and subscribes to the oath of enlistment is the date of his recognition.

(d) Regardless of whether or not the unit for which a person is enlisted is Federally recognized, the period of enlistment commences on the date of taking and subscribing to the oath of enlistment, and ends 1 year or 3 years later unless sooner terminated or extended.

§ 1101.17 *Recognition of enlisted personnel.* [Revoked.]

[NGR 25-1, 16 September 1955] (Sec. 118, 39 Stat. 213; 32 U. S. C. 17)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Dec. 55-3379; Filed, Dec. 12, 1955; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1946]

PART 202—RIGHTS-OF-WAY FOR PIPE LINES ON THE OUTER CONTINENTAL SHELF

A new part 202 is added, reading as follows:

- Sec.
202.1 Purpose and authority.
202.2 Definitions.
202.3 Application.
202.4 Persons qualified to acquire and hold rights-of-way.
202.5 Consent of or notice to lessee of leased area crossed by right-of-way.
202.6 Terms and conditions.
202.7 Approval of right-of-way.
202.8 Terms of grant.
202.9 Proof of construction.
202.10 Assignment of right-of-way.
202.11 Advance permission to commence construction.
202.12 Penalty for failure to comply with the act, regulations, or any conditions imposed under either.
202.13 Appeals.

AUTHORITY: §§ 202.1 to 202.13 issued under sec. 5, 67 Stat. 464; 43 U. S. C. 1334.

§ 202.1 *Purpose and authority.* Section 5 (c) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 464) authorizes the Secretary of the Interior to grant rights-of-way for pipeline purposes for the transportation of oil and gas. The purpose of the regulations in this part is to set forth the rules governing the granting and administration of such rights-of-way. The inclusion of this part in this title shall not be construed as an interpretation that the laws and regulations pertaining to public lands or to rights-of-way thereon are applicable to the submerged lands of the outer Continental Shelf.¹

§ 202.2 *Definitions.* (a) "Secretary" means Secretary of the Interior.

(b) "Director" means Director, Bureau of Land Management.

(c) "Manager" means the officer in charge of the local office of the Bureau of Land Management.

(d) "Right-of-way" includes the site on which the pipe line and associated structures are situated which shall not exceed 200 feet in width for pipe lines and be limited to the area reasonably necessary for pumping stations or other accessory structures. It does not include gathering lines and associated structures constructed for the purpose of conveying production for gathering, storage, or treating of the production from a lease or leases.²

¹ Compliance with the regulations of this part does not obviate the necessity of compliance with requirements and regulations of the Department of the Army and the Coast Guard with respect to prevention of obstruction to navigation, lights, and warning devices, and other matters relating to safety of life and property, as authorized by section 4 of the act.

² The construction of gathering lines may be approved by the Oil and Gas Supervisor in accordance with the provisions of 30 CFR 250.18 and 250.68.

§ 202.3 *Application.*—(a) *Form and requirements.* No special form of application is required. The application should be filed in duplicate and should be in typewritten form or legible handwriting. It must specify that it is made pursuant to the act and these regulations and that applicant agrees that the right-of-way if approved will be subject to the terms and conditions of the regulations in this part. It should also state the primary purpose for which the right-of-way is to be used. The application must be filed in duplicate at the office of the Manager. If the right-of-way has been utilized prior to the time the application is made, the application must state the date such utilization commenced and by whom, and the date applicant obtained control of the improvements. A filing fee of \$10 and the rental required herein under § 202.6 (e) must accompany the application.

(b) *Map showing survey.* Each copy of the application must be accompanied by a map, showing the center line of the right-of-way, properly identified so that the right-of-way may be accurately located by a competent engineer. The map should comply with the following requirements:

(1) The scale shall be at least 1:160,000.

(2) Courses and distances of the center line of the right-of-way shall be given either on the margin of the map or on an attached sheet or sheets with the courses referred to the true or grid meridian, either by deflection from a line of known bearing or by independent observation and calculated distances in feet and decimals.

(3) The total distance and width of the right-of-way shall be given, and the diameter of the pipe line specified.

(4) The initial and terminal points of the right-of-way shall be accurately located by latitude and longitude or by grid references.

(5) Each copy of the map shall bear upon its face a statement of the engineer who made the map that the right-of-way is accurately represented upon the map.

§ 202.4 *Persons qualified to acquire and hold rights-of-way.* (a) Applications may be filed by citizens of the United States, associations of such citizens, and by corporations organized under the laws of the United States or of any State or Territory thereof.

(b) An individual and each member of an association applying for a right-of-way must state in the application whether he is a native-born or naturalized citizen of the United States.

(c) (1) A private corporation must file a certified copy of its charter or articles of incorporation.

(2) A corporation other than a private one must file a copy of the law under which it was organized and proof of its organization.

(3) A copy of the resolution or by-laws of the corporation authorizing the filing of the application or a certificate of the Secretary or an assistant Secretary of the Corporation under the corporate seal certifying that the officer executing the application has authority to do so, must be filed. If the applica-

tion is filed by an attorney-in-fact a certified copy of the resolution of the Board of Directors authorizing his appointment and an executed copy of the power of attorney must be filed.

(4) If the corporation has previously filed any or all of the papers required in subparagraphs (1), (2), and (3), of this paragraph, specific reference to such filing giving date, place, and case number will be accepted as full compliance with such requirements.

§ 202.5 *Consent of or notice to lessee of leased area crossed by right-of-way.* An applicant must show the extent to which the right-of-way applied for invades or crosses mineral leases or rights-of-way other than his own and must submit with his application either the written consent of each lessee or right-of-way holder whose lease or right-of-way is so affected or a statement that he has delivered to each lessee whose lease is so affected personally or by registered or certified mail a copy of the application and map. If the statement is filed no final action will be taken on the right-of-way application until 15 days have elapsed after the last date of service of such papers, in order to afford the parties concerned ample opportunity to file protests against the granting of the right-of-way.

§ 202.6 *Terms and conditions.* An applicant, by accepting a right-of-way grant, agrees and consents to comply with and be bound by the following terms and conditions, excepting those which the Secretary may waive in a particular case:

(a) To comply with all existing regulations and with all existing and future regulations which the Secretary determines to be necessary and proper in order to provide for the prevention of waste and conservation of the natural resources of the outer Continental Shelf, and the protection of correlative rights therein.

(b) To pay the United States, or its lessee, as the case may be, the full value for all damages to the property of the United States or its said lessee, and to indemnify the United States against any and all liability for damages to life, person, or property arising from the occupation and use of the area covered by the right-of-way.

(c) To keep the Director informed at all times of his address, and, if a corporation, of the address of its principal place of business and the name and address of the officer or agent authorized to receive service of notice. That in the construction, operation, and maintenance of the project, he shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin and shall require an identical provision in all subcontracts.

(d) That the allowance of the right-of-way shall be subject to the express condition that the rights granted will not prevent or interfere in any way with the management, administration of, or the granting either prior or subsequent to the right-of-way grant of other rights by the United States in, the submerged lands affected thereby, and that no

agrees and consents to the occupancy and use by the United States or its lessees of any part of the right-of-way not actually occupied or necessarily incident to its use for any necessary operations involved in such management, administration or the enjoyment of such other granted rights. Subject to the consent of the applicant, the Manager may approve the use of the right-of-way for other pipe lines for oil or for gas.

(e) To pay for the first calendar year or fraction thereof, and thereafter annually in advance an annual rental of \$5 for each mile or fraction thereof traversed by the right-of-way and \$50 for each area applied for as the site for a pumping station or other accessory to the right-of-way. Payments required herein may be annual, for a 5-year period or for multiples of such period.

(f) That upon revocation or termination of the right-of-way, unless the requirement is waived in writing by the Manager, he shall, so far as reasonably possible, restore the area of the right-of-way to its original condition.

§ 202.7 *Approval of right-of-way.* If the application and other required information are found to be in compliance with the law and regulations and the consents required by § 202.5 have been obtained or any protests filed as therein provided have been rejected, the right-of-way will be granted. If the right-of-way as applied for would cross any area withdrawn from disposal or restricted from exploration and operation it will be rejected unless the Federal agency in charge of withdrawn or restricted area shall give its consent to the granting of the right-of-way, but in such case the applicant upon request filed within 30 days after receipt of the rejection notice will be allowed an opportunity to file an amended application rerouting the proposed right-of-way so as to eliminate the conflict.

§ 202.8 *Term of grant.* Any right-of-way granted hereunder shall be for so long as the pipe line is maintained and used for the purpose for which the grant was made, unless otherwise expressly stated in the grant. Cessation of use temporarily shall not terminate the grant, but if the purpose of the grant ceases to exist or use of the pipe line is permanently discontinued for any reason the grant shall be subject to forfeiture.

§ 202.9 *Proof of construction.* Failure to construct the pipe line within 5 years from the date of the grant shall be deemed to be an abandonment of the grant which will be forfeited by an appropriate proceeding. Proof of construction shall be submitted to the Manager. Such proof shall consist of a statement by the holder of the right-of-way that the pipe line has been laid and is in operation. If there is any deviation from the right-of-way as shown on the original map, the unused portion of the grant must be relinquished and maps in duplicate of the location of the right-of-way as constructed, prepared in accordance with § 202.3 must be fur-

nished as soon as possible after the deviation is determined to be necessary or advisable. Any deviation made prior to approval of such supplemental plat will be at the risk of the right-of-way holder.

§ 202.10 *Assignment of right-of-way.* Assignment may be made of a right-of-way in whole or as to any lineal segment thereof after construction subject to the approval of the Manager. Any such assignment must be filed in duplicate accompanied by an application for approval in which the assignee must make the showing required by § 202.4 and agree to the terms and conditions prescribed in § 202.6. No assignment shall be effective to transfer any rights until it is approved. A fee of \$10 must accompany the application for the approval of an assignment.

§ 202.11 *Advance permission to commence construction.* Upon a satisfactory showing of the need therefor, the Director may grant permission to commence construction of a pipe line in advance of any grant of the right-of-way but such permission is not a commitment that the right-of-way will be approved and all work done thereunder prior to the granting of the right-of-way will be at the applicant's risk. No advance permission will be granted for an area or areas not subject to a right-of-way grant.

§ 202.12 *Penalty for failure to comply with the act, regulations, or any conditions imposed under either.* As provided in the act, failure to comply with the act, regulations or any conditions prescribed by the Secretary as to the application therefor and the survey, location and width thereof and upon the express condition that such oil or gas pipe lines shall transport or purchase without discrimination, oil or natural gas produced from said submerged lands in the vicinity of the pipe line in such proportionate amounts as the Federal Power Commission, in the case of gas, and the Interstate Commerce Commission, in the case of oil, may, after a full hearing with due notice thereof to the interested parties, determine to be reasonable, taking into account, among other things, conservation and the prevention of waste, be grounds for forfeiture of the grant in an appropriate, judicial proceeding instituted by the United States in any United States District Court having jurisdiction under the provisions of section 4 (b) of the act. Upon relinquishment of any right-of-way or forfeiture of the grant, the right-of-way owner will be required to remove his improvements within one year from the effective date of such relinquishment or forfeiture unless otherwise provided by law or in the decree of forfeiture.

§ 202.13 *Appeals.* Any person aggrieved by any action taken by the Manager, under this part has the right of appeal to the Secretary in accordance with the provisions and limitations provided in §§ 221.73 to 221.76 of this chapter. Nothing contained in this part

shall be construed to prevent any interested party from seeking judicial review as authorized by law.

DOUGLAS MCKAY,
Secretary of the Interior

DECEMBER 7, 1955.

[F. R. Doc. 55-9376; Filed, Dec. 12, 1955; 8:47 a. m.]

TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 13—ALLOCATION AND UTILIZATION OF SURPLUS PERSONAL PROPERTY FOR EDUCATIONAL PURPOSES AND PUBLIC HEALTH PURPOSES

Part 13 of Title 45 CFR is hereby amended to read as follows:

Sec.

- 13.1 Definitions.
- 13.2 Basic policy.
- 13.3 Geographic scope.
- 13.4 Allocation of donable property.
- 13.5 Donations of personal property.
- 13.6 Terms and conditions of donations, transfers, or retransfers.

AUTHORITY: §§ 13.1 to 13.6 issued under sec. 203, 63 Stat. 385, as amended; 63 Stat. 83; 40 U. S. C. 481.

§ 13.1 *Definitions.* (a) "Act" means the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress (63 Stat. 377) as amended (40 U. S. C. 471 et seq.) Terms defined in the Act and not defined in this section, shall have in this part the meaning given to them in the act.

(b) "Accredited" means approval by a recognized accreditation board or association on a Regional, State, or National level such as a State Board of Education or Health, State University, National Association of Universities and Colleges, American Hospital Association, etc. A college may be said to be accredited if its credits are accepted for transfer purposes by other colleges or universities not connected or associated with it.

(c) "Approved" means the recognition or approval by the State Department of Education, State Department of Health, or other appropriate authority in charge of educational or health activities in the State.

(d) "Clinic" means an approved facility organized and operated for the primary purpose of providing out-patient health services and includes the customary related facilities such as laboratories, treatment rooms, etc.

(e) "College" means an approved or accredited institution of higher learning offering organized study courses and credits leading to the baccalaureate or higher degrees.

(f) "Department" means the Department of Health, Education, and Welfare.

(g) "Donable property" means surplus equipment, materials, books, or other supplies under the control of any executive agency (including surplus property in working capital funds established pursuant to section 405 of the National Se-

curity Act of 1947, as amended, or in similar management-type funds) except:

(1) Such property as may be specified from time to time by the Administrator of General Services Administration;

(2) Surplus agricultural commodities, food, and cotton or woolen goods determined from time to time by the Secretary of Agriculture to be commodities requiring special handling in order to assist him in carrying out his responsibilities with respect to price support or stabilization;

(3) Property in the custody of an agency or an organizational unit thereof which is subject to the Government Corporation Control Act (59 Stat. 597-31 U. S. C. 841)

(4) Property in trust funds.

(h) "Donated property" means equipment, materials, books and other personal property transferred to eligible institutions pursuant to the provisions of section 203 (j) of the act and implementing regulations.

(i) "Donee" means an eligible applicant who is a recipient of donable property.

(j) "Educational institution" means an approved or accredited tax-supported or non-profit school system, school, college or university.

(k) "Eligible applicant" means an approved or accredited tax-supported medical institution, hospital, clinic, health center, school, school system, college, university or non-profit medical institution, hospital, clinic, health center, school, college or university.

(l) "Health Center" means an approved facility utilized by a health unit for the provision of public health services, including related facilities such as laboratories and clinics.

(m) "Hospital" means an approved or accredited institution providing health services primarily for in-patient medical or surgical care of the sick or injured and includes related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an "integral part" of the hospital. The term "hospital" does not include institutions whose primary purpose is the furnishing of domiciliary care.

(n) "Medical institution" means an approved or accredited institution, facility, entity or organization which has for its primary function the provision of medical services, or the promotion of health through the conduct of research, investigations, experiments, training and demonstrations, relating to causes, prevention, and methods of diagnosis and treatment of diseases or injuries; the term includes hospitals, clinics, research and health centers, laboratories, medical, dental, and nursing schools, and similar institutions, but does not include those primarily engaged in domiciliary care.

(o) "Motor vehicles" means any vehicles subject to State licensing for travel on highways.

(p) "Need" means the lack or inadequacy of anything usable and necessary by eligible applicants in the conduct of educational or public health activities.

(q) "Net proceeds" means the revenues realized by authorized disposal of donated personal property less (1) the certified expenses of the donee in initially acquiring the property, and (2) the authorized costs of disposal. The Secretary may under exceptional circumstances authorize additional deductions.

(r) "Non-profit institution" used in connection with a medical institution, hospital, clinic, health center, school, college or university means one which is operated by one or more non-profit corporations or associations, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by the Internal Revenue Service to be tax-exempt under either the provisions of section 101 (6) of the 1939 Internal Revenue Code, or section 501 (c) (3) of the 1954 Internal Revenue Code.

(s) "Personal property" means surplus property of any kind or any interest therein, except: Real property, records of the Federal Government and naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers and submarines; and merchant vessels of 1,500 gross tons or more subject to disposal by the U. S. Maritime Commission.

(t) "School" means an approved or accredited organizational entity devoted primarily to approved academic, vocational, or professional study and instruction, which operates primarily for educational purposes on a full-time basis for the minimum school year required for approval by the State Department of Education and employs a full-time staff of qualified instructors.

(u) "Secretary" means the Secretary of Health, Education, and Welfare.

(v) "School system" means a group of approved or accredited tax-supported schools operated under one administrative organization.

(w) "State Agency or official" means that State Department of Health or Education or such other State agency or official designated by State law or executive order to make the certifications concerning and distribution of donable property to eligible applicants within the State as provided for in section 203 (j) (2) of the act.

(x) "State" means a state of the United States, Alaska, Hawaii, District of Columbia, Puerto Rico, or the Virgin Islands.

(y) "Tax-supported institution" used in connection with a medical institution, hospital, clinic, health center, school, school system, college or university means one which receives a major portion of its financial support from moneys derived from State or local government revenues.

(z) "University" means an approved or accredited institution for instruction and study in the higher branches of learning and which is empowered to confer degrees in special departments or colleges.

§ 13.2 Basic policy. It is the policy of the Department to strengthen and encourage the development and expansion of educational and public health

programs by the equitable allocation among the States of donable property and the assuring thereafter of its maximum utilization for these purposes.

§ 13.3 Geographic scope. This part is applicable to donable personal property located, needed and usable within the continental United States, Alaska, Hawaii, District of Columbia, Puerto Rico, and the Virgin Islands.

§ 13.4 Allocation of donable property. Allocations of donable property will be made on the basis of need and usability of the property. The following factors will be taken into consideration in effecting equitable allocation of property:

(a) Population;

(b) States in greatest need for the type of property to be allocated;

(c) Extraordinary health and educational needs occasioned by emergencies such as fire, floods and other disasters;

(d) Location, condition, and transportability of property;

(e) Ability of the eligible applicant or State Agency to meet transportation requirements for accepting the property;

(f) Availability of funds to the eligible applicant or State Agency to accept, pick up and transport the property and in case of a State Agency to warehouse, distribute, care for and handle the property if necessary.

(g) The quantity of property of a given type which has already been received by or is potentially available to an eligible applicant or a State Agency.

§ 13.5 Donations of personal property. (a) Donations of personal property are made by or pursuant to delegations from the Administrator of General Services upon certification by the Department and by the appropriate State Agency or official that the property applied for is usable and necessary for educational or public health purposes, including research, and upon a finding that the applicant is eligible to receive such property under the act and regulations issued pursuant thereto.

(b) Donable property will be made available to eligible applicants through the appropriate State Agency or official. Applications for donable property shall be made only on Form HEW 135, "Application for Surplus Property—Federal Property and Administrative Services Act of 1949, as amended." State agencies shall distribute donable property to eligible applicants in accordance with the criteria and provisions established in this part and shall require the authorized representative of each such applicant to sign a currently applicable Form HEW 135 or a warehouse issue sheet or other State Agency document or form containing the equivalent certifications and the same terms and conditions as are set forth in the Form HEW 135.

(c) Retransfers of donable property by donees or State Agencies to other donees or eligible applicants shall be made upon the same terms and conditions as are set forth in § 13.6.

§ 13.6 Terms and conditions of donations, transfers or retransfers. (a) All right, title and interest in donable prop-

erty, except the right to possession, shall remain in the United States until the eligible applicant has executed the application and certifications provided for in § 13.5 (b) and has taken possession of the property. State agencies shall not acquire any title to donable property except where State licensing laws require that title pass in order that State licensing or registration of the property may be effected.

(b) Property acquired by a donee pursuant to this part shall be on an "as is," "where is" basis without warranty of any kind.

(c) Donable property having a single item acquisition cost of \$2,500 or more shall be subject to the following additional terms and conditions:

(1) There shall be a period of restriction which will expire after the property has been used for educational or public health purposes for a period of four years, except that the period of restriction will expire on motor vehicles after a period of two years of use for educational or public health purposes.

(2) Such property shall be placed in use for educational purposes or public health purposes, including research, no later than twelve months after acquisition thereof. In the event such property is not placed in use within twelve months of receipt, the donee shall promptly notify the Department in writing through the appropriate State Agency. Title and right to the possession of such property not so placed in use within the above mentioned period shall at the option of the Department revert to the United States of America, and upon demand the donee shall release such property to such person as the Department or its designee shall direct.

(3) Such property acquired by a donee shall be used only for educational purposes or public health purposes, including research, and for no other purpose.

(4) The donee shall not sell, trade, lease, or otherwise dispose of or encumber this property or remove it for use outside the State without prior approval of the Department. Any sale, trade, lease, or other disposal of said property, when such action is authorized by the Department, shall be for the benefit and account of the United States of America and the net proceeds of such sale, lease, or other disposal or encumbrance shall be received and held in trust for the United States of America and shall be paid promptly to the Department.

(5) Donees shall make reports on the use, condition, and location of such property and on other pertinent matters as the Department and/or the State Agency may from time to time require.

(6) In the event the property is sold, traded, leased, or otherwise disposed of or encumbered during the period of restriction without prior approval, the donee, at the option of the Department, shall be liable for the reasonable value of the property at the time of such sale, trade, lease, or other disposal, as determined by the Department, in lieu of being liable for the net proceeds of the disposal, as set forth in subparagraph (4) of this paragraph.

(7) During the period of restriction, property which is not suitable, usable or further needed by the donee for the purposes for which obtained shall be subject to retransfer as authorized or directed by the Department or State Agency; or, if such property is not retransferred it shall be sold upon authorization by the Department for the benefit and account of the Government. Net proceeds from such sales shall be made payable to and remitted to the Department, except in those instances in which the Department determines that the Government's administrative costs in connection with receipt thereof will exceed such net proceeds. At the option of the Department, the donee may abrogate the restrictions set forth in subparagraphs (1) through (7) of this paragraph by payment of an amount as determined by the Department.

(d) No donable property will be transferred until the Secretary has determined that the State Agency or appropriate official has conformed to minimum standards of operation prescribed by the Secretary for the disposal of surplus property.

(e) Donable property received in State Agency warehouses shall be distributed promptly to eligible applicants within the State, or shall be reallocated to another State Agency by the Department. Property not distributed within a twelve month period shall be reported to the Department for redispersion instructions.

(f) State Agencies shall make such reports on the use, condition, and location of donated property and on other pertinent matters as the Department may from time to time require.

(g) So long as title to donable property remains in the United States, State Agencies shall be responsible, as bailees for mutual benefit, for such property from the time the property is released to such State Agencies, or their agents, or to a transportation agency designated by such State Agencies; and that in the event of any loss of or damage to any or all of such property, they shall file such claim and/or institute and prosecute to conclusion such proceedings as may be necessary to recover, for the account of the United States of America, the fair value of such property lost or damaged.

(h) The Secretary may also prescribe such other terms and conditions as are deemed necessary or desirable.

Dated: December 7, 1955.

[SEAL]

M. B. FOLSON,
Secretary.

[F. R. Doc. 55-9975; Filed, Dec. 12, 1955;
8:47 a.m.]

PART 14—MINIMUM STANDARDS OF OPERATION FOR STATE AGENCIES FOR SURPLUS PROPERTY AND APPROPRIATE STATE OFFICIALS

Sec.	14.1	Definitions.
	14.2	Basic policy.
	14.3	Geographic scope.
	14.4	Organization.
	14.5	Plan of operation.
	14.6	Books and records.

Sec.	14.7	Service charges and funds.
	14.8	Audits.
	14.9	Handling of property.
	14.10	Assistance to the department.
	14.11	Nonconformance.
	14.12	Amendments.

AUTHORITY: §§ 14.1 to 14.12 issued under sec. 203, 63 Stat. 385, as amended, 63 Stat. 83; 40 U. S. C. 484.

§ 14.1 *Definitions.* (a) "Act" means the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress (63 Stat. 377) as amended (40 U. S. C. 471 et seq.) Terms defined in the act and not defined in this section shall have in this part the meaning given to them in the act.

(b) "Accredited screener" means a person employed by a State Agency for the purpose of screening personal property, who has been certified by the Department to visit specified installations, and who has been issued an appropriate identification card.

(c) "Department" means the Department of Health, Education, and Welfare.

(d) "Donable property" means surplus equipment, materials, tools or other supplies under the control of any executive agency (including surplus property in working capital funds established pursuant to section 405 of the National Security Act of 1947, as amended, or in similar management-type funds) except:

(1) Such property as may be specified from time to time by the Administrator of General Services Administration;

(2) Surplus agricultural commodities, food, and cotton or woolen goods determined from time to time by the Secretary of Agriculture to be commodities requiring special handling in order to assist him in carrying out his responsibilities with respect to price support or stabilization;

(3) Property in the custody of an agency or an organizational unit thereof which is subject to the Government Corporation Control Act (59 Stat. 597, 31 U. S. C. 841),

(4) Property in trust funds.

(e) "Need" means the lack or inadequacy of anything usable and necessary by eligible applicants in the conduct of educational or public health activities.

(f) "Non-profit institution" used in connection with a medical institution, hospital, clinic, health center, or other health facility, or a school, college, university, or other educational facility, means one which is operated by one or more non-profit corporations or associations, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by the Internal Revenue Service to be tax-exempt under either the provisions of section 101 (6) of the 1939 Internal Revenue Code or section 501 (c) (3) of the 1954 Internal Revenue Code.

(g) "Overage" means the excess occurring upon the receipt of a larger number of a specific item or a larger number of items than either (1) requested on an "Application for Surplus Property" (Form HLW 135) or (2) listed on a shipping document.

(h) "Screening" means the act of reviewing and inspecting property which is surplus or which is expected to become surplus for the purpose of determining whether or not such property is usable and necessary for health or educational purposes.

(i) "Service charge" means the fee or charge made by a State Agency to the donee when distributing surplus property under section 203 (j) of the act.

(j) "Shortage" means the deficiency occurring upon the receipt of a smaller number of a specific item or a smaller number of items than either (1) requested on an "Application for Surplus Property" (Form HEW 135), or (2) listed on a shipping document.

(k) "State Agency" means that State Department of Health or Education or such other State agency or official designated by State law or executive order to make the certifications concerning donable property and distribution of such property to eligible applicants within the State as provided for in section 203 (j) (2) of the act.

(l) "Tax-supported institution" used in connection with a medical institution, hospital, clinic, health center, school, school system, college or university, means one which receives a major portion of its financial support from moneys derived from State or local government revenues.

§ 1.42 Basic policy. It is the policy of the Department to strengthen and promote the improvement of operations of State Agencies so as to achieve maximum efficiency, responsibility and equity in the distribution and utilization of surplus property for health and educational purposes.

§ 1.43 Geographic scope. This part is applicable to states within the continental United States, and to the District of Columbia, Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

§ 1.44 Organization. (a) Each State Agency shall be administered under the direction and supervision of a chief executive officer who shall be responsible for carrying out all phases of the State's program in accordance with the approved Plan submitted pursuant to § 1.45.

(b) Each State Agency shall maintain a staff adequate to enable it to carry out the program as set forth in its approved Plan of Operation.

§ 1.45 Plan of operation. (a) Each State Agency shall, within 90 days after promulgation of this part, submit to the appropriate regional office of the Department two signed copies of its new Plan of Operation which conforms to the provisions of this part. Unless a Plan is approved by the Department within 180 days after the effective date of this part, no further allocations of donable property will be made to such State Agency under section 203 (j) (2) of the act, until a Plan is approved. Notice of the Department's approval or disapproval of the Plan, together with a statement of the respects in which it is deficient, in the event of disapproval, shall be given to the State Agency as promptly as practicable. No subsequent amendments to

or modifications of approved Plans shall be placed in effect without prior approval of the Department.

(b) The State Agency Plan of Operation shall be supported by satisfactory evidence establishing its authority to:

(1) Acquire, warehouse, and distribute donable personal property to eligible tax-supported and non-profit institutions under section 203 (j) of the act; and

(2) Execute the certifications and agreements required by section 203 (j) of the act and the Federal Government.

(c) The evidence required by (b) above shall include copies of State Statutes or Executive Orders. Where express statutory authority does not exist or is ambiguous, or where the authority exists by virtue of Executive Order, the State Agency shall furnish the opinion of the States Attorney General as to the existence of such authority.

(d) The State Agency Plan of Operation shall include, in the following order:

(1) The provisions and procedures for attaining fair and equitable distribution of surplus property to eligible health and educational institutions.

(2) Assurance that all warehousing and distributive functions are a direct part of the State Agency's operation and are under the direction and control of its chief executive officer.

(3) A schedule of service charges or an explanation of the method used in determining service charges, if such charges are made.

(4) Procedures for:

(i) Ascertaining the eligibility of an applicant and the authority of its representative to receive property on its behalf.

(ii) Determining the actual need and usability of donable property.

(iii) Screening surplus property at Federal installations by accredited screeners, when this function is contemplated.

(iv) Spot check inspections to determine that property donated is actually put to use in accordance with the donee's certification.

(v) Redistribution of donated property not being used.

(vi) Reporting surplus property that has been in the custody of the State Agency for over twelve months.

(5) Provisions for obtaining certification of eligibility from institutions in connection with each transfer of donable property.

(6) Provisions for obtaining certification by donee institutions of need and usability in connection with each transfer of property.

(e) The Plan of Operation shall be accompanied by samples of the State Agency forms used.

§ 1.46 Books and records. (a) The accounting system of the State Agency shall conform to generally accepted accounting principles and practices including an inventory record system which, in the absence of written approval by the State Auditor or other State official responsible for this phase of State fiscal policy, must be approved by the Department.

(b) Financial records and all other books and records of the State Agency shall be subject to inspection by authorized representatives of the Department. Annual financial statements (including a balance sheet and a statement of receipts and disbursements or income and expense) shall be furnished to or made available for inspection by the appropriate regional office of the Department.

(c) Each State Agency shall maintain accurate records of all donable property received and distributed. Records of distribution of all single items having an acquisition cost of \$2,500 or more shall be kept separate from those of lesser amount.

(d) All single items or units of measure having a fair value of \$35.00 or more, as determined by the State Agency, must be identified by the State serial number on the "Application for Surplus Property," Form HEW-135, under which the items were received, so long as the items are in the custody of the State Agency, and records must be kept to show ultimate delivery of the items to the eligible applicant.

(e) All official records and correspondence of the State Agency shall be kept for a minimum period of five years.

§ 1.47 Service charges and funds. (a) Service charges, as a whole, for handling donable surplus property shall be limited to the amount necessary to pay actual expenses of current operations and purchase necessary equipment, plus the accumulation and maintenance of a working capital reserve.

(b) A working capital reserve shall be computed, as of the end of the State Agency's fiscal year, as follows:

(1) Add together the following items of current assets:

(i) Cash on hand and in bank;

(ii) Accounts receivable;

(iii) Costs of acquiring surplus property inventory on hand.

(2) Deduct from the total of current assets:

(i) An appropriate allowance for uncollectible accounts receivable;

(ii) Liabilities, including any obligation represented by funds not accumulated from handling charges and which are to be returned eventually to the source from which they were derived.

(c) The working capital reserve shall not exceed an amount equivalent to the estimated cost of operation during one year in the immediate future. Under exceptional circumstances a larger reserve may be retained with the approval of the Department.

(d) Accounting records shall be maintained in such manner as to identify and separately account for funds accumulated from the assessment of service charges against donee institutions. Integrity of these funds shall be maintained, and they shall be used for promotion and extension of the program and shall not be available for other State purposes.

(e) The service charge assessed by a State Agency for the transfer of any single item of donable surplus property shall be reasonable in relation to the costs incident to the transfer.

(f) A State Agency shall accept payment of a service charge only in the form of a warrant, check, or other official instrument drawn or issued by an authorized representative of the donee institution.

(g) Any funds accumulated by a State Agency from service charges against donee institutions, over and above the working capital reserve as provided for in this part, shall be refunded to donee institutions (1) on a pro-rata basis (based upon total charges collected during the preceding fiscal year) or (2) reduced handling charges during the current and the next ensuing fiscal year.

(h) When surplus property in the custody of a State Agency is sold for the benefit and account of the U. S. Government, the State Agency will be permitted to retain from the proceeds of the sale the costs of advertising and costs of preparation for sales (including transportation costs incurred in recovering property from institutions). Under exceptional circumstances additional proceeds may be retained upon approval by the Department.

§ 14.8 *Audits.* The operations and financial affairs of the State Agency shall be audited by an appropriate State authority or by a recognized auditing firm.

Such audits shall conform to State laws, rules and regulations, fiscal policies and practices, and to any applicable State limitations. An audit shall be made at least every two years by a recognized auditing firm, where State law or regulations do not, as a minimum, require biennial audits. Copies of the reports of the audits of the State Agencies shall be forwarded to or made available for review by the appropriate regional office of the Department.

§ 14.9 *Handling of property.* (a) Donable surplus property shall be inventoried immediately upon receipt, and any shortage or overage shall be reported within 30 days to the donor holding agency with a copy to the appropriate regional office of the Department.

(b) State Agencies shall maintain adequate provision for protecting property in their custody including reasonable protection against the hazards of fire, theft, vandalism and weather.

§ 14.10 *Assistance to the department.* (a) Each State Agency shall assist the Department in effecting utilization and compliance by donee institutions with the terms and conditions established for any single item of property having an acquisition cost of \$2,500 or more.

(b) Each State Agency shall cooperate with the Department by releasing property from its custody upon request, and will assist the Department in obtaining voluntary release by donee institutions of property needed for defense or emergency use.

§ 14.11 *Nonconformance.* If the Department determines that a State Agency is not operating in accordance with its previously approved Plan of Operation and these Minimum Standards, allocation of property to the State Agency may be suspended until the nonconformance is corrected to the satisfaction of the Department.

§ 14.12 *Amendments.* The Department reserves the right at any time to modify or amend these Minimum Standards. Upon issuance of amendments hereto requiring State Agencies to modify their operations, reasonable opportunity will be afforded the State Agencies to conform their operations to such amended standards.

Dated: December 7, 1955.

[SEAL]

M. B. FOLSOM,
Secretary.

[F. B. Dec. 65-9374; Filed, Dec. 12, 1955; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

INSPECTION AND CERTIFICATION OF PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED PRODUCTS¹

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of existing regulations (7 CFR Part 52) governing the inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products, issued pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1037; 7 U. S. C. 1621 et seq.) The proposed revision will implement Public Law 272, 84th Congress, 1st Session, approved August 9, 1955, amending the aforesaid act, by designating the certificates, memoranda, marks and other identifications and devices for making such marks or identifications, with respect to inspection, class, grade, quality, size, or condition, that are official for the purpose of said act. The proposed revision also sets forth the regulations governing the use of official marks and identifications.

¹ Among such other processed food products are the following: Honey; molasses, except for stock feed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), sirups, except from grain; marine food products, except oil.

All persons who desire to submit written data, views, or arguments in connection with the proposed revision should file the same in duplicate with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 10 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

1. Insert new § 52.3a as follows:

§ 52.3a *Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.* Subsection 203 (h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed below shall have the respective meanings specified:

(a) "Official certificate" means any form of certification, either written or printed, including those defined in § 52.3, used under this part to certify with respect to the inspection, class, grade,

quality, size, quantity, or condition of products (including the compliance of products with applicable specifications)

(b) "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting, or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

(c) "Official mark" means the grade mark, inspection mark, combined form of inspection and grade mark, and any other mark, or any variations in such marks, including those prescribed in § 52.53, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected or both, or indicating the appropriate U. S. grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected or both under this part.

(d) "Official identification" means any United States (U. S.) standard designation of class, grade, quality, size, quantity, or condition specified in this part or any symbol, stamp, label, or seal indicating that the product has been graded or inspected and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Administrator and authorized to be affixed to any product, or affixed to or

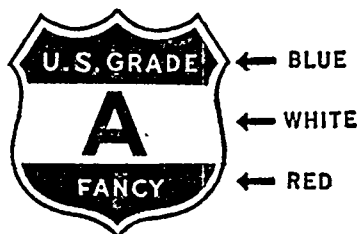
printed on the packaging material of any product.

(e) "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

2. Renumber §§ 52.53; 52.55; 52.56; and 52.57 to 52.54; 52.55; 52.56; and 52.57, respectively.

3. Insert new § 52.53 as follows:

§ 52.53 *Approved identification*—(a) *Grade marks.* The approved grade mark or identification may be used on containers, labels or otherwise indicated for any processed product that (1) has been packed under continuous inspection as provided in this part to assure compliance with the requirements for wholesomeness established for the raw product and of sanitation established for the preparation and processing operations, and (2) has been certified by an inspector as meeting the requirements of such grade, quality or classification. The grade marks approved for use shall be similar in form and design to the examples in Figures 1 through 5 of this section.



Shield using red, white, and blue background or other colors appropriate for label.

FIGURE 1.



Shield with plain background.

FIGURE 2.

U S. GRADE A

FIGURE 3.

U S. CHOICE

FIGURE 4.

U S.
GRADE

B

FIGURE 5.

(b) *Inspection marks.* The approved inspection marks may be used on containers, labels or otherwise indicated for any processed product that (1) has been packed under continuous inspection as provided in this part to assure compliance with the requirements for wholesomeness established for the raw product and of sanitation established for the preparation and processing operations, and (2) has been certified by an inspector as meeting the requirements of such quality or grade classification as may be approved by the Administrator. The inspection marks approved for use shall be similar in form and design to the ex-

amples in Figures 6, 7 and 8 of this section.



Statement enclosed within a shield.

FIGURE 6.

PACKED UNDER
CONTINUOUS
INSPECTION
OF THE
U. S. DEPT. OF
AGRICULTURE

Statements without the use of the shield.

FIGURE 7.

PACKED BY

UNDER CONTINUOUS
INSPECTION OF THE
U. S. DEPT. OF AGRICULTURE

FIGURE 8.

(c) *Combined grade and inspection marks.* The grade marks set forth in paragraph (a) of this section and the inspection marks set forth in paragraph (b) of this section may be combined into a consolidated grade and inspection mark for use on processed products that have been packed under continuous inspection as provided in this part.

(d) *Products not eligible for approved identification.* Processed products which have not been packed under continuous inspection as provided in this part shall not be identified by grade or inspection marks, but such products may be inspected on a lot inspection basis as provided in this part and identified by an authorized representative of the Department by stamping the shipping cases and inspection certificate(s) covering such lot(s) with an officially drawn sample mark similar in form and design to the example in Figure 9 of this section.



FIGURE 9.

Done at Washington, D. C., this 6th day of December 1955.

FRANK E. BLOOD,
Acting Deputy Administrator
for Marketing Services.

[F. R. Doc. 55-9928; Filed, Dec. 12, 1955; 8:45 a. m.]

[7 CFR Part 941]

[Docket No. AO-101-20]

MILK IN CHICAGO, ILL., MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, which was issued November 29, 1955 (20 F. R. 8854) is hereby extended (1) to December 12, 1955 with respect to proposed changes in bases assigned for March, April, May and June, 1956 to new producers and to producers who relinquish earned bases, and rules governing holding, transfer, and relinquishment of bases; and (2) to January 9, 1956 with respect to all other matters.

Dated: December 8, 1955.

[SEAL] F. R. BURKE,
Acting Deputy Administrator

[F. R. Doc. 55-10012; Filed, Dec. 12, 1955; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

I 14 CFR Parts 40, 41, 42, 43 I

VARIATION OF AIRCRAFT MAXIMUM WEIGHT WITH ALTITUDE

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau

of Safety Regulation, notice is hereby given that the Bureau will propose to the Board the adoption of amendments to Parts 40, 41, 42, and 43 of the Civil Air Regulations which will provide that no transport category airplane shall take off or land at an airport located at an elevation outside the altitude range for which maximum take-off and landing weights have been determined, and, further, that the weight of the airplane at take-off and landing shall not exceed the authorized maximum take-off and landing weights for the elevation of the airport at which the take-off or landing is made.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by February 10, 1956. Copies of such communications will be available after February 14, 1956, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

It has been brought to the attention of the Bureau that certain difficulties have been encountered with the Civil Air Regulations with respect to variation of weight with altitude for transport category airplanes. The presently effective provisions of Parts 40, 41, and 42 of the Civil Air Regulations prohibit take-offs and landings, of large transport category airplanes in passenger service, at airports at elevations outside the altitude range for which maximum take-off and landing weights have been determined, and, further, provide that the weight of the airplane at take-off and landing shall not exceed the authorized maximum take-off and landing weights for the elevation of the airport at which the take-off or landing is made. There are no similar provisions, however, in these same parts, or elsewhere in the regulations, applicable to airplanes in cargo operation, or to transport category airplanes being operated in accordance with Part 43 of the Civil Air Regulations.

There is provision, however, in the airworthiness certification requirements, contained in Part 4b of the Civil Air Regulations, permitting the establishment of maximum weights for all air-

craft for each altitude and for each practically separable operating condition, e. g., take-off, en route, landing, with the election as to the altitude at which maximum weights are to be established resting with the applicant for type certification. Therefore, an applicant may request certification of an airplane at sea level only or at any altitude above that he might choose.

Part of the difficulty we have encountered is that, in some instances, an applicant has elected to certify a transport category airplane at sea level only, or, for operations at relatively low airport elevations, but has later requested approval to operate it at altitudes above that for which his airplane was certificated, without getting the airplane certificated for the higher altitude. In this situation, if the transport category airplane were in passenger service operating under Part 40, 41, or 42, the provisions of the applicable part would limit operations to the altitude for which maximum weights have been established. If, however, in the same situation, the airplane were in cargo service, or operated in accordance with Part 43, the present construction of the regulations in Parts 40, 41, and 42 could be interpreted to permit take-offs and landings at airports at any elevation, since none of these three parts contain provisions limiting operations to altitudes for which maximum weights have been established for aircraft in cargo service, or operated under Part 43, as they do for transport aircraft in passenger service.

The absence of pertinent regulations, therefore, with respect to transport category airplanes in cargo service or for such airplanes operating in accordance with Part 43, has permitted this unintended result. It is believed that such a condition whereby some transport category airplanes may operate at high altitude airports at weights found by the airworthiness parts of the Civil Air Regulations to be appropriate only at lower altitudes is not consistent with safe practice, and it is our intent to limit airplanes in this class expressly to the same limitations as apply to transport category airplanes in passenger service. Accordingly, it is proposed to amend present regulations to prohibit all transport category airplanes, certificated under the provisions of Part 4a or 4b, or recertificated in accordance with Special Civil Air Regulation No. SR-406 or SR-407, from operating at altitudes exceeding the altitude for which maximum certificated weights have been established.

In view of the foregoing, notice is hereby given that it is proposed to amend Parts 40, 41, 42, and 43 of the Civil Air Regulations to include a variation of weight with altitude for transport category airplanes certificated under the provisions of Part 4a or 4b, or recertificated in accordance with Special Civil Air Regulation No. SR-406 or SR-407 substantially as follows:

The provisions of §§ 40.71, 41.28, and 42.71 which are now applicable to transport category airplanes in passenger service shall be made applicable to all transport category airplanes regardless of the type of service in which they are used.

A new provision will be added to Part 43 to read substantially as follows:

(a) No transport category airplane shall be taken off from any airport located at an elevation outside of the altitude range for which maximum take-off weights have been determined, and no transport category airplane shall depart for an airport of intended destination or have any airport specified as an alternate which is located at an elevation outside of the altitude range for which maximum landing weights have been determined.

(b) The weight of the airplane at take-off shall not exceed the authorized maximum take-off weight for the elevation of the airport from which the take-off is made.

(c) The weight at take-off shall be such that, allowing for normal consumption of fuel and oil in flight to the airport of intended destination, the weight on arrival will not exceed the authorized maximum landing weight for the elevation of such airport.

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 934, 49 U. S. C. 425 (a). Interpret or apply secs. 601, 603, 604, 52 Stat. 1007, 1009, 1010, as amended, 49 U. S. C. 551, 553, 554)

Dated at Washington, D. C., December 5, 1955.

By the Bureau of Safety Regulations.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 55-9391; Filed, Dec. 12, 1955; 8:50 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 6, 1955.

The Department of the Army has filed an application, Serial No. Fairbanks

012203, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for training site.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management,

Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

FORT GREELY, TRACT "F"

A parcel of land situated approximately 2.5 miles southeast of Delta Junction in the Fourth Judicial Division, Territory of Alaska, being located between the Richardson and Alaska Highways and more particularly described as:

Beginning at a point 1.08 miles, plus or minus, east of U. S. C. & G. S. Station "Pillsbury" Lat. 63°47'00.309" North, Long. 145°47'24.713" West, said point of beginning being 150' east of the centerline of the Richardson Highway, thence due east approximately 4.15 miles to the west bank of Granite Creek; thence in a generally north-easterly direction approximately 11.83 miles to a point which is situated on the west bank of Granite Creek and further identified as being situated one mile southerly at right angles to the centerline of the Alaska Highway; thence northwesterly, parallel with and one mile southerly at right-angles to the centerline of the Alaska Highway to a point situated approximately 1,394 feet due south of the southeast corner of Section 13, T. 11 S., R. 11 E., S. M. (preliminary plat); thence north approximately 1,394 feet to said southeast corner of Section 13, T. 11 S., R. 11 E., F. M., thence west 1 mile, north 1 mile, west 2 miles, north 1 mile, west 1 mile, and north 1 mile following the south and west boundaries of Sections 13, 11, 10, and 4, T. 11 S., R. 11 E., F. M., thence west 1 mile along the south boundary of Section 32, T. 10 S., R. 11 E., F. M. (preliminary plat); thence west 1,172.8 feet approximately along the south boundary of Section 31, T. 10 S., R. 11 E., F. M., to a point on the east boundary of a parcel of land reserved by Public Land Order No. 255, which point is situated approximately 7,062 feet due south of the centerline of the Alaska Highway; thence due south approximately 8,628 feet to the point of intersection of the north line bounding a 160 acre parcel of land reserved by Public Land Order No. 1153 for the use of the Department of the Army; thence east along the north line of said parcel 1,000 feet; thence south along the east line of said parcel 7,000 feet; thence west along the south line of said parcel 1,000 feet to the point of intersection of said boundary with the east boundary of the parcel of land reserved by P. L. O. No. 255; thence south along said east boundary 6,000 feet; thence west along the south boundary of said reserve approximately 2.74 miles (14,479 feet) to the northeast corner of Section 27, T. 11 S., R. 10 E., F. M. (preliminary plat); thence south 2 miles along the east boundary of Sections 27 and 34, T. 11 S., R. 10 E., F. M., thence south 2 miles, east 1 mile, and south 2 miles along the east boundaries of Sections 14 and 23, of T. 12 S., R. 10 E., F. M. (preliminary plat) thence west approximately .75 mile to a point which is situated 150' easterly at right-angles from the centerline of the Richardson Highway; thence southerly parallel to and 150' easterly from the centerline of the Richardson Highway approximately 4.75 miles to the Point of Beginning and containing approximately 51,750 acres.

ROGER ROBINSON,
Operations Supervisor

[F. R. Doc. 55-10007; Filed, Dec. 12, 1955;
8:52 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

DECEMBER 1955 MONTHLY SALES LIST

Pursuant to the policy of Commodity Credit Corporation issued October 12,

1954 (19 F. R. 6669) and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

The Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas. Announcements containing the contractual

terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list. Commodity Credit Corporation also reserves the right to amend, from time to time, any of its announcements, which amendments shall be applicable to and be made a part of the sales contracts thereafter entered into.

DECEMBER 1955 MONTHLY SALES LIST

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Dairy products -----	Domestic prices apply "in store" at location of stocks. Export prices apply f. a. s. U. S. port of export or in store at location of stocks at f. a. s. price less export freight rate to agreed port of export. Available through Cincinnati and Portland OSS Commodity Offices for domestic sale, and through the Livestock and Dairy Division, OSS, USDA, Washington 25, D. C., for export sale.
Nonfat dry milk solids (in carloads only), spray, 6-600,000 pounds; roller, as available.	Domestic, unrestricted use: Spray process, U. S. Extra Grade, in barrels and drums, 17 cents per pound; in bags, 16.15 cents per pound. Roller process, U. S. Extra Grade, in barrels and drums, 15.25 cents per pound; in bags 14.40 cents per pound.
Salted creamery butter (in carloads only), 110,000,000 pounds.	Domestic, restricted use (animal and poultry feed): 11½ cents per pound delivered under the terms and conditions of Announcement LD-14 and Supplements. Export, unrestricted use: Spray process, U. S. Extra Grade, in barrels and drums, 11.75 cents per pound; in bags, 10.90 cents per pound. Roller process, U. S. Extra Grade, in barrels and drums, 10 cents per pound; in bags, 9.16 cents per pound.
Cheddar cheese, cheddars, flats, twins and rindless blocks (standard moisture basis in carloads only) 270-600,000 pounds.	Special export: Competitive bid on 9,600,000 pounds spray and roller process and under the terms and conditions of Announcement LD-5 and amendments. Offers to be considered daily until this quantity is sold or program is terminated.
Wool, shorn and pulled grease (including small quantities of scoured) 146,000,000 pounds.	Domestic, unrestricted use: U. S. Grade A and higher, 61.25 cents per pound, New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. All other States 60.6 cents per pound. U. S. Grade B, 2 cents per pound less than Grade A prices.
Cotton, Upland and Extra Long Staple.	Domestic, restricted use: Competitive bid and under the terms and conditions of Announcement DA-111 and supplements for use as an extender for cocoa butter in the manufacture of chocolate.
Cotton linters-----	Export, unrestricted use: U. S. Grade A, 41 cents per pound; U. S. Grade B, 39 cents per pound.
Cottonseed oil, refined-----	Export, restricted use: Competitive bid (1) under the terms and conditions of Announcement DA-111 and supplements for use (a) in recombining with U. S. produced nonfat dry milk solids into liquid milk and evaporated milk, and (b) in making butter oil or ghee; and (2) under the terms and conditions of Announcement LD-10 and supplements for industrial uses.
Linseed oil-----	Special export: Competitive bid on 6,600,000 pounds butter and under the terms and conditions of Announcement LD-7. Offers to be considered daily until this quantity is sold or program is terminated.
Tung oil-----	Domestic: U. S. Grade A and higher, 30¼ cents per pound for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific Ocean and Gulf of Mexico. All other States 30¼ cents per pound. U. S. Grade B, 1 cent per pound less than Grade A prices.
	Export: U. S. Grade A, 25.5 cents per pound, basis port of export. U. S. Grade B, 24.5 cents per pound, basis port of export.
	Special export: Competitive bid on 15,000,000 pounds under the terms and conditions of Announcement LD-5 as amended and supplemented. Bids to be received daily through December, or until the 15,000,000 pounds have been sold, whichever is earlier.
	Cheese prices are subject to usual adjustments for moisture content.
	Domestic or export: Limited quantities (not more than 6,250,000 pounds in December) on competitive bid each Tuesday under terms and conditions as announced. Additional quantities at prices basis exwarehouse where stored as determined by the Boston OSS Commodity Office, reflecting not less than 103 percent of the 1954 schedule of loan rates per pound plus an allowance for sales commission, Boston basis, adjusted for net freight on wool stored outside the Boston storage area.
	Domestic or export: Competitive bid and under the terms and conditions of Announcements NO-C-5 as amended (Upland) and NO-C-6 (Extra Long Staple), but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC.
	A catalog showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans OSS Commodity Office.
	Domestic or export: Competitive bid and under the terms and conditions of Announcement NO-CL-5 in carlot quantities as follows: (a) First Cut Linters and Mill Run Linters catalogued on U. S. Grades, (b) Second Cut and Mill Run Linters and hull fiber catalogued on cellulose content, and will be sold on basis of 73 percent cellulose, with premiums and discounts of .04 cents per pound, fractions in proportion, for each 1 percent of cellulose above or below 73 percent.
	A catalogue showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans OSS Commodity Office.
	Domestic: Limited quantities on competitive bid but not less than the market price on date of sale f. o. b. tankers or tankwagons at points of storage locations, under the terms and conditions of Announcement NO-CS-12. Available New Orleans OSS Commodity Office and Oils and Peanut Division, OSS, USDA, Washington 25, D. C.
	Export: Competitive bid on limited quantities as announced by the New Orleans OSS Commodity Office, under the terms and conditions of Announcement NO-CS-12.
	Domestic: Market price on date of sale but not less than equivalent of the 1953 support price for flaxseed, under the terms and conditions of Announcement CT-OF-9. Available Cincinnati OSS Commodity Office.
	Export: Competitive bid as announced by the Cincinnati OSS Commodity Office, under the terms and conditions of Announcement CT-OF-9.
	Domestic or export: Competitive bid, limited quantity monthly under the terms and conditions of Announcement CT-OF-8 and amendments thereto. Available Cincinnati OSS Commodity Office.

See footnotes at end of table.

DECEMBER 1955 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Farmers' stock peanuts (for crushing)	Domestic or export: Competitive bid on limited quantities as may be announced by any of the Peanut Cooperative Associations. Terms and conditions of sale will be announced at the time of or prior to the initial offering. Available Dallas OSS Commodity Office.
Soybeans, bulk (domestic sales for crushing only), Flaxseed, bulk (as available do mestie sales for crushing only)	Domestic or export: Market price on date of sale. Limited quantities available Chicago, Kansas City, and Minneapolis OSS Commodity Offices. Domestic: On 100 lots, market price on date of sale basis in store. On all other storable lots market price but not less than the 1955 support price. Available Chicago and Minneapolis OSS Commodity Offices. Export: Competitive bid as may be announced by Minneapolis OSS Commodity Office.
Corn, bulk 50 000 000 bushels	Domestic or export: Commercial corn producing area: Market price, basis in store, but not less than the legal minimum price (1955 loan rate basis point of production for class, grade and quality plus 16 cents per bushel). Examples of minimum price (1955 loan rate basis point of production): No. 3 yellow, \$1.02; Minneapolis, No. 3 yellow, \$1.03; Kansas City, No. 3 yellow, \$1.04; New York, No. 3 yellow, \$1.05. Noncommercial corn producing area: Market price, basis in store, but not less than the 1955 support price. Available Chicago, Kansas City, Minneapolis, and Portland OSS Commodity Offices.
Wheat	Domestic unrestricted use: Commercial wheat producing area: Market price, basis in store, but not less than the legal minimum price (1955 loan rate for class, grade, quality, and location, plus 24 cents per bushel). Examples of minimum price per bushel: Chicago, No. 1 RW, \$2.62; Minneapolis, No. 1 DNS, \$2.63; Kansas City, No. 1 RW, \$2.62. Noncommercial wheat producing area: Market price, basis in store, but not less than 133 percent of applicable 1955 county loan rate plus 24 cents per bushel. Domestic, restricted use (for feed only): Small quantities in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, and West Virginia. Market price for feed, basis in store. Available Dallas and Chicago OSS Commodity Offices. Export: Under the terms and conditions of Announcements OR 212, OR 291 revoked, and OR-232 revoked at prices announced daily. Export may be made either as wheat or flour. Available Dallas, Chicago, Minneapolis, Kansas City, and Portland OSS Commodity Offices for export or domestic sale. Domestic, unrestricted use: Market price, basis in store, but not less than the legal minimum price (1955 loan rate basis point of production for class, grade, and quality plus 12 cents per bushel). Examples of minimum price per bushel including average paid in freight: Chicago, No. 3 oats or better, \$1.53; Minneapolis, No. 3 oats or better, \$1.54. Domestic, restricted use (for feed only): Small quantities in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. Competitive bid as announced by Chicago and Dallas OSS Commodity Offices.
Oats, bulk.	Export: Price as determined by CCC. Offerings also on competitive bid as announced by the Minneapolis, Chicago, Kansas City, Portland, or Dallas OSS Commodity Offices. Available at the above offices for export or domestic sale. Domestic, unrestricted use: Market price, basis in store, but not less than the legal minimum price (1955 loan rate for class, grade, quality, and location plus 12 cents per bushel). Examples of minimum price (1955 loan rate basis point of production): Chicago, No. 3 oats or better, \$1.53; Minneapolis, No. 3 oats or better, \$1.54. Domestic, restricted use (for feed only): Small quantities in states of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. Market price, for feed, basis in store. Available Chicago and Dallas OSS Commodity Offices. Export: Price as determined by CCC. Offerings also on competitive bid as announced by the Minneapolis, Chicago, Kansas City, Chicago, Dallas, or Portland OSS Commodity Offices.
Barley, bulk	Available at the above offices for domestic or export sale. Domestic, unrestricted use: Market price, basis in store, but not less than the legal minimum price (1955 applicable loan rate for class, grade, quality and location plus 18 cents per bushel). Examples of minimum price per bushel: Minneapolis, No. 2 or better, \$1.67. Domestic, restricted use (for feed only): Market price for feed, basis in store. Export: Price as determined by CCC. Offerings also on competitive bid as announced by the Minneapolis, Kansas City, Dallas, Chicago, and Portland OSS Commodity Offices.
Rye, bulk	Available at above offices for domestic or export sale.

See footnotes at end of table

DECEMBER 1955 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Grain sorghums, bulk	Domestic: Market price, basis in store, but not less than the legal minimum price (1955 applicable loan rate for class, grade, quality and location plus 23 cents per 100 pounds). Example of minimum price per hundredweight: Kansas City, No. 2 or better, \$2.01. Available Dallas, and Kansas City OSS Commodity Offices. Export: Competitive bid as announced by Dallas Commodity Office.
Rice, rough 1,800,000 hundred weight	Domestic, unrestricted use: Market price as determined by CCO, but not less than the legal minimum price (1955 loan rate basis point of production plus 6 percent plus 3 cents per hundredweight). Domestic, restricted use (for feed only): Competitive bid basis by Dallas OSS Commodity Office. Export: Competitive bid as announced by the Dallas OSS Commodity Office. Examples of minimum price of milled rice per hundredweight, at miller: Bluebonnet \$11.27 0.53 Second \$9.11 7.91 U S No 3 \$9.69 0.69
Rice, milled, 1,000 000 hundred weight	Domestic: For U. S. No. 2 (4 percent broken), the market price but not less than the legal minimum price (the equivalent loan rate for rough rice by varieties plus 6 percent adjusted for milling, plus 38 cents per hundred weight). Examples of minimum prices of milled rice per hundredweight, at miller: Bluebonnet \$11.27 0.53 Second \$9.11 7.91 U S No 3 \$9.69 0.69
Rice, broken (as available domestic) (100 cases for feed only).	Export: A schedule of prices as announced by Dallas OSS Commodity Office. Examples of prices of milled rice per hundredweight, f. a. a. West Gulf ports (port at option of CCO): Bluebonnet \$11.27 0.53 Second \$9.11 7.91 U S No 3 \$9.69 0.69
Rice, broken (as available domestic) (100 cases for feed only).	1953 crop rice (U. S. No. 4, 35 percent broken) is available f. o. b. Texas. Most in better points at lower prices as of West Gulf ports. Specific prices and quantities may be obtained from Dallas OSS Commodity Office. Domestic or export: Competitive bid as announced by the Dallas OSS Commodity Office. Prices for domestic sale are for U. S. No. 1, f. o. b. indicated points of production. Amount of paid in freight to be added as applicable. For other grades of all beans adjust by market differentials. Domestic: Market price but not less than \$9.60 per 100 pounds, points of production, Denver area. For other areas adjust by the 1955 support price differentials. Available Minneapolis, Kansas City, Dallas, and Portland OSS Commodity Offices. Export: Competitive bid as announced by the Kansas City OSS Commodity Office.
Plato beans, 1954 crop, 650,000 hundredweight	Domestic: Market price but not less than \$7.63 per 100 pounds, Washington Idaho points. Available Portland OSS Commodity Office. Export: Competitive bid as announced by the Portland OSS Commodity Office.
Small red beans, 1954 crop, 220,000 hundredweight	Domestic: Market price but not less than \$7.63 per 100 pounds, Washington Idaho points. Available Portland OSS Commodity Office. Export: Competitive bid as announced by the Portland OSS Commodity Office.

DECEMBER 1955 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Hay and pasture seeds (bagged)...	F. o. b. point of production plus any paid-in freight as applicable basis current freight rate at time of sale. Premiums and discounts may be obtained from the commodity offices for qualities above or below basic specification. Offers will not be accepted for less than warehouse receipt lot or minimum weight carlot as prescribed by railroad carrier's regulation at point of storage.
Birdsfoot Trefoil seed, 878 hundredweight.	Domestic: \$65 per 100 pounds. Available Portland CSS Commodity Office.
Alfalfa seed, Northern, 47,000 hundredweight.	Export: Competitive bid as announced by Portland CSS Commodity Office.
Alfalfa seed (certified), Ladak, 2,500 hundredweight; Buffalo, 22,000 hundredweight; Grimm, 198 hundredweight.	Domestic: \$35 per 100 pounds. Available Minneapolis and Portland CSS Commodity Offices. ⁴
Tall fescue seed (common), 22,000 hundredweight.	Export: Competitive bid as announced by Portland CSS Commodity Office.
Tall fescue seed (certified), 88,000 hundredweight.	Domestic: \$40 per 100 pounds. Ladak available Portland and Kansas City, Buffalo and Grimm available Portland CSS Commodity Offices. ⁴
Gum rosin (in galvanized metal drums averaging 517 pounds net).	Export: Competitive bid as announced. Ladak by Kansas City, Buffalo and Grimm by Portland CSS Commodity Offices.
Gum turpentine (bulk in tanks)...	Domestic: \$18 per 100 pounds. Available Portland, Dallas, Chicago CSS Commodity Offices. ⁴
	Export: Competitive bid as announced by Chicago CSS Commodity Office.
	Domestic: \$20 per 100 pounds. Available Portland, Dallas, and Chicago CSS Commodity Offices. ⁴
	Export: Competitive bid as announced by Portland CSS Commodity Office.
	Domestic or export: Offer and acceptance, "as is" in the stated quantities at the designated storage yards, subject to the prices, terms, and conditions of Announcement LD-21 and Supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.
	Domestic or export: Offer and acceptance, "as is" in the stated quantities in the designated storage tanks, subject to the prices, terms, and conditions of Announcement TB-21 and Supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.

¹ At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.

² Sales of grains made under Title I, Public Law 480, may be made on terms and conditions of GR-301 revised and GR-302. Other commodities under the announcement indicated.

³ In those counties in which grain is stored in COO bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehousemen for storage documents.

⁴ Prices for basic specifications will not be reduced through the period ending June 30, 1956.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: December 7, 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice-President,
Commodity Credit Corporation.

[F. R. Doc. 55-9977; Filed, Dec. 12, 1955;
8:48 a. m.]

GENERAL SERVICES ADMINISTRATION

[Complaint Docket Nos. 16535 and 16,537]

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY TO REPRESENT THE INTERESTS OF THE FEDERAL GOVERNMENT

1. Pursuant to the provisions of sections 201 (a)-(4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of Riverton Consolidated Water Company, Increase in Rates, Complaint Docket No. 16,535 and Complaint Docket No. 16,537, before the Pennsylvania Public Utility Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers' officials and employees of such Administration.

4. This delegation of authority shall be effective November 10, 1955.

Dated: December 7, 1955.

EDMUND F. MANSURE,
Administrator
[F. R. Doc. 55-10035; Filed, Dec. 9, 1955;
5:06 p. m.]

INTERDEPARTMENTAL COMMITTEE ON TRADE AGREEMENTS

TRADE-AGREEMENT NEGOTIATIONS WITH GOVERNMENTS WHICH ARE CONTRACTING PARTIES TO GENERAL AGREEMENT ON TARIFFS AND TRADE PROPOSED IN NOTICE OF SEPT. 21, 1955, AND PUBLISHED SEPT. 23, 1955

POSSIBLE ADJUSTMENT IN PREFERENTIAL RATES ON CUBAN PRODUCTS; SUPPLEMENTARY NOTICE

Pursuant to section 4 of the Trade Agreements Act, approved June 12, 1934, as amended (48 Stat. 945, ch. 474, 65 Stat. 73, ch. 141) and to paragraph 4 of Executive Order 10082 of October 5, 1949 (3 CFR, 1949 Supp., p. 126), further notice is hereby given by the Interdepartmental Committee on Trade Agreements supplementary to the notice by the Committee dated September 21, 1955, and published September 23, 1955 (20 F. R. 7140) as corrected September 29, 1955, and published October 1, 1955 (20 F. R. 7345) relating to trade-agreement negotiations with foreign governments which are contracting parties to the General Agreement on Tariffs and Trade. In the notice of September 21, 1955, it was stated that no tariff concessions would be considered on any article which did not appear in the list annexed to that notice unless a supplementary list is published and an opportunity is given for further supplementary hearings.

There is annexed hereto a list, supplementary to the list annexed to the notice by the Committee dated September 21, 1955, and published September 23, 1955 (20 F. R. 7140), as corrected, of articles imported into the United States to be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment in the trade agreement negotiations of which notice has been given as stated above.

The additional articles proposed for consideration in the negotiations are identified in the annexed list by specifying the numbers of the paragraphs in tariff schedules of Title I of the Tariff Act of 1930, as amended, in which they are provided for together with the language used in such tariff paragraphs to provide for such articles, except that where necessary the statutory language has been modified by the omission of words or the addition of new language in order to narrow the scope of the original language. Where no qualifying language is used with regard to the type, grade, or value of any listed articles, all types, grades, and values of the article covered by the language used are included.

In the case of each article in the list with respect to which the corresponding product of Cuba is now entitled to preferential treatment, the negotiations referred to will involve the elimination, reduction, or continuation of the preference, perhaps in some cases with an adjustment or specification of the rate applicable to the product of Cuba.

No article will be considered in the negotiations for possible modification of duties or other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment unless it is included; specifically or by reference, in the list annexed to the notice by the Committee of September 21, 1955, and published September 23, 1955 (20 F. R. 7140), as corrected, or in the list annexed hereto, or unless it is subsequently included in a further supplementary public list. Except where otherwise indicated in the list, only duties imposed under the paragraphs of the Tariff Act of 1930 specified in the list with regard to articles described therein and import taxes, if any, imposed on such articles under the Internal Revenue Code of 1954, as amended, will be considered for a possible decrease, but additional or separate duties or taxes on such articles imposed under any other provisions of law may be bound against increase as an assurance that the concession under the listed paragraph or section will not be nullified. In addition, any action which might be taken with respect to basic duties on products may involve action with respect to compensatory duties imposed on manufactures containing such products.

In the event that an article which as of July 1, 1955, was regarded as classifiable under a description included in the list is excluded therefrom by judicial decision or otherwise prior to the conclusion of the trade-agreement negotia-

tions, the list will nevertheless be considered as including such article.

Pursuant to section 4 of the Trade Agreements Act, as amended, and paragraph 5 of Executive Order 10082 of October 5, 1949, information and views as to any aspect of the proposals, including the list of articles, announced in this supplementary notice may be submitted to the Committee for Reciprocity Information in accordance with the announcement of this date issued by that Committee.¹ Persons interested in exports may present their views regarding any tariff or other concessions that might be requested of foreign governments with which negotiations are to be conducted. Any other matters appropriate to be considered in connection with the negotiations proposed above may also be presented.

Public hearings in connection with the "peril point" investigation of the United States Tariff Commission in connection with the articles included in the annexed list, pursuant to section 3 of the Trade Agreements Extension Act of 1951, as amended, are the subject of an announcement of this date issued by that Commission.²

By direction of the Interdepartmental Committee on Trade Agreements this 9th day of December 1955.

CARL D. CORSE,
Chairman,
Interdepartmental Committee
on Trade Agreements.

SUPPLEMENTAL LIST OF ARTICLES IMPORTED
INTO THE UNITED STATES PROPOSED FOR
CONSIDERATION IN TRADE AGREEMENT NEGOTIATIONS

Those items in the list which include articles to which, on the basis of preliminary calculations in general considering the calendar year 1954 as a representative period, the authority under clause (1) of paragraph (2) (D) of subsection (a) of section 350 of the Tariff Act of 1930, as amended (authority to decrease down to 50 percent ad valorem or the equivalent thereof), is applicable have been identified by an asterisk. The use of the asterisk in such cases shall not prejudice the subsequent final determination that such authority is or is not applicable to any article in the list, whether or not the item in which the article is included is identified by an asterisk, nor shall it prejudice use of the authority under clause (1) of paragraph (2) (D) (authority to decrease down to 15 percent below the rate existing on January 1, 1955) applicable to any article in the list, whether or not the item in which the article is included is identified by an asterisk. The ad valorem rate or equivalent below which the authority under clause (1) of paragraph (2) (D) authorizes a greater decrease than that under clause (1) falls between 58 percent and 59 percent ad valorem.

Information and views may be presented by interested parties with respect to the applicability of the authority under clause (1) of paragraph (2) (D) to any article in the list, whether or not such article is contained in an item identified by an asterisk, and with respect to the period which is representative for the purposes of clause (1) of paragraph (2) (D) or of paragraph (3) (D) of subsection (a) of section 350 (authority for simplification of computation) in the case of any article in the list subject to a specific rate of duty (or to a combination of rates including a specific rate).

¹ See F. R. Doc. 55-9962, *infra*.

² See F. R. Doc. 55-9963, *infra*.

Tariff Act of 1930, Title I—Dutiable List

Par. 5	All chemical elements, all chemical salts and compounds, and all combinations and mixtures of any of the foregoing, all the foregoing obtained naturally or artificially and not specially provided for:
5	Chlorine.
5	Medicinal preparations, obtained naturally or artificially and not specially provided for (except preparations of animal or vegetable origin).
28 (a)	Photographic chemicals and 6-Ethyl-5-phenyl-hexahydropyrimidine-4:6-dione, when obtained, derived, or manufactured in whole or in part from any of the products provided for in paragraph 27 or 1051, Tariff Act of 1930.
67	Barytes ore, crude or unmanufactured.
75	Spirit varnishes containing less than 5 per centum of methyl alcohol.
76	Cuprous oxide.
214	Earthy or mineral substances wholly or partly manufactured and articles, wares, and materials (crude or advanced in condition), composed wholly or in chief value of earthy or mineral substances, not specially provided for, whether susceptible of decoration or not, if not decorated in any manner:
	Witherite.
228 (a)	Spectrographs.
302 (n)	Columbium or niobium.
302 (n)	Alloys not specially provided for of one or more of the metals barium, boron, calcium, columbium or niobium, strontium, tantalum, thorium, titanium, vanadium, or zirconium with one or more of the metals aluminum, chromium, cobalt, copper, manganese, nickel, or silicon (except calcium silicon and zirconium silicon).
307	Boiler or other plate iron or steel, except crucible plate steel and saw plate steel, not thinner than $\frac{1}{16}$ inch, cut or sheared to shape or otherwise, or unheated, valued at over 3 cents per pound.
353	Articles having as an essential feature an electrical element or device, and parts thereof, finished or unfinished, wholly or in chief value of metal, and not specially provided for:
	Adding machines and parts thereof.
372	Machines, finished or unfinished, not specially provided for, and parts thereof wholly or in chief value of metal or porcelain, not specially provided for:
	Adding machines, and parts thereof.
397	Articles or wares not specially provided for, if composed wholly or in chief value of bronze, but not plated with platinum, gold, or silver, or colored with gold lacquer, whether partly or wholly manufactured.
397	Articles or wares not specially provided for, if composed wholly or in chief value of iron or steel, but not plated with platinum, gold, or silver, or colored with gold lacquer, whether partly or wholly manufactured, except the following:
	Blow torches and incandescent lamps, designed to be operated by compressed air and kerosene or gasoline; builders' hardware (other than hinges and hinge blanks); carriages, drays, trucks, and other vehicles, and parts thereof; cases and sharpening devices for safety razors; cooking and heating stoves and parts thereof; fittings for baby carriages; golf club heads; illuminating articles, and parts thereof; luggage hardware; malleable cast-iron pipe fittings; manufactures of wire; parts of carbonated water siphons; parts of typewriters; railway cars and parts thereof; screws having flanks or threads not exceeding $\frac{3}{16}$ of one inch in diameter; slide fasteners and parts thereof; styluses; and tricycles and velocipedes and parts thereof.
502	Molasses and sugar syrups, not specially provided for and not containing soluble nonsugar solids (excluding any foreign substance that may have been added or developed in the product) equal to more than 6 per centum of the total soluble solids.
746	Mangoes.
751	Jellies, jams, marmalades, and fruit butters (except cashew apple (<i>anacardium occidentale</i>), currant and other berry, guava, mamey colorado (<i>calocarpum mammosum</i>), mango, papaya, pineapple, capodilla (<i>caspa cochara</i>), saucrop (<i>annona muricata</i>), sweetop (<i>annona squamosa</i>), and guinea jellies, jams, marmalades and butters; and except orange marmalade).
762	Soybeans for seed purposes.
806 (a)	Fruit juices, not specially provided for, containing less than one-half of 1 per centum of alcohol:
	Pineapple juice, packed in air-tight containers.
1109 (a)	Woven fabrics, weighing more than four ounces per square yard, wholly or in chief value of wool:
	Woven green billiard cloths, in the piece, weighing over 11 but not over 15 ounces per square yard, wholly of wool.
1114 (b)	Hose and half-hose, finished or unfinished, wholly or in chief value of wool, valued at more than \$1.75 per dozen pairs.
1402	Paper board, wallboard, and pulpboard, not plate finished, supercalendered or friction calendered, laminated by means of an adhesive substance, coated, surface stained or dyed, lined or vatlined, embossed, printed, decorated or ornamented in any manner, nor cut into shapes for boxes or other articles and not specially provided for:
	Beer mat board.
1410	Unbound books of all kinds, bound books of all kinds except those bound wholly or in part in leather, all the foregoing not specially provided for, if other than of bona fide foreign authorship (not including diaries, music in books, pamphlets, prayer books, or tourist literature).
1510	Buttons not specially provided for:
	Buttons wholly or in chief value of compounds of calcium known as galalith or by any other name, valued at more than 60 cents per gross; buttons commonly known as Roman pearl; fancy buttons with a fish-scale or similar to fish-scale finish; and buttons wholly or in chief value of horn or composition horn.

Tariff Act of 1930, Title I—Dutiable List—Continued

Par.

- *1514 Emery, corundum, garnet, and artificial abrasives, in grains, or ground, pulverized, refined, or manufactured; emery wheels, emery files, and manufactures of which emery, corundum, garnet or artificial abrasive is the component material of chief value, not specially provided for; and all papers, cloths, and combinations of paper and cloth, wholly or partly coated with artificial or natural abrasives, or with a combination of natural and artificial abrasives; all the foregoing, if containing more than $\frac{1}{10}$ of one per centum of vanadium, or more than $\frac{1}{10}$ of one per centum of tungsten, molybdenum, boron, tantalum, columbium or niobium, or uranium, or more than $\frac{1}{10}$ of one per centum of chromium.
- 1516 Matches, friction or lucifer, of all descriptions, in boxes containing not more than 100 matches per box.
- *1526 (a) Hats, caps, bonnets, and hoods, other than for men's or boys' wear, trimmed or untrimmed, including bodies, hoods, plateaus, forms, or shapes, for hats or bonnets not for men's or boys' wear, composed wholly or in chief value of fur of the rabbit, beaver, or other animals, valued at more than \$9 and not more than \$30 per dozen.
- *1527 (b) Rope, curb, cable, and fancy patterns of chain not exceeding $\frac{1}{2}$ inch in diameter, width, or thickness, valued above 30 cents per yard, of metal other than gold or platinum, whether or not plated with gold or platinum.
- *1527 (c) Articles valued above 20 cents per dozen pieces, designed to be worn on apparel or carried on or about or attached to the person, such as and including buckles, cardcases, chains, cigar cases, cigar cutters, cigar holders, cigar lighters, cigarette cases, cigarette holders, coin holders, collar, cuff, and dress buttons, combs, match boxes, mesh bags and purses, millinery, military and hair ornaments, pins, powder cases, stamp cases, vanity cases, watch bracelets, and like articles; all the foregoing and parts thereof, finished or unfinished:
 (2) composed wholly or in chief value of metal other than gold or platinum (whether or not enameled, washed, covered, or plated, including rolled gold plate), or (if not composed in chief value of metal and if not dutiable under clause (1) of subparagraph (c) of paragraph 1527, Tariff Act of 1930) set with and in chief value of precious or semiprecious stones, pearls, cameos, coral, amber, imitation precious or semiprecious stones, or imitation pearls:
 Valued not over \$5 per dozen pieces or parts:
 Cigarette cases, compacts, powder cases, vanity cases, and parts thereof.
- *1529 (a)¹ *****
 [6] Articles not described elsewhere in this subparagraph:
 Wholly or in chief value of vegetable fiber:
 Pillowcases, sheets, and damask napkins and table cloths, not wholly or in chief value of cotton.
 Other (except articles wholly or in chief value of cotton).
 [7] Gloves and mittens, embroidered in any manner wholly or in chief value of wool.

 [14] In part of machine-made lace and not described elsewhere in this subparagraph:
 Wearing apparel.
 Other, wholly or in chief value of vegetable fiber other than cotton.

 [28] Lace window curtains wholly or in chief value of rayon or other synthetic textile.
- 1531 Bags, baskets, belts, satchels, cardcases, pocketbooks, jewel boxes, portfolios, and other boxes and cases, not jewelry, wholly or in chief value of reptile leather, and manufacturers of reptile leather, or of which reptile leather is the component material of chief value, not specially provided for (not including any of the foregoing permanently fitted and furnished with traveling, bottle, drinking, dining or luncheon, sewing, manicure, or similar sets, and except women's and children's handbags and pocketbooks).
- 1536 Manufactures of wax, or of which wax is the component material of chief value, not specially provided for (except ski wax and manufactures wholly or in chief value of beeswax).
- 1539 (b)²
- 1558 Raw or unmanufactured articles not enumerated or provided for:
 Frogs (not including live frogs) and frog legs.

[F. R. Doc. 55-9961; Filed, Dec. 12, 1955; 8:45 a. m.]

¹The listing of articles under paragraph 1529 (a) of the Tariff Act of 1930 is made by setting forth the pertinent subdivisions of paragraph 1529 (a), as set forth in "United States Import Duties (1952)" and italicizing the language of such subdivision which covers the items listed, appropriately modified when necessary.

²No articles additional to those included under paragraph 1539 (b) in the list appended to the public notice of September 21, 1955, are listed herein. However, the previous listing under paragraph 1539 (b) contained a typographical error, in that the first word of the descriptive language was written "Laminating" instead of "Laminated". Any persons who feel that this typographical error caused them to misunderstand the scope of the listing under paragraph 1539 (b) and who desire to submit written statements or desire to be heard in the light of the intended scope of the listing, may submit such statements or requests to be heard as though the previous listing under paragraph 1539 (b) was included in this list in correct form.

COMMITTEE FOR RECIPROCITY INFORMATION

TRADE-AGREEMENT NEGOTIATIONS PROPOSED IN NOTICE OF SEPTEMBER 21, 1955 AND PUBLISHED SEPTEMBER 23, 1955

POSSIBLE ADJUSTMENT IN PREFERENTIAL RATES ON CUBAN PRODUCTS; SUPPLEMENTAL NOTICE

Submission of Information to the Committee for Reciprocity Information. Closing date for application to be heard, January 6, 1956.

Closing date for submission of briefs by those desiring to be heard, January 6, 1956.

Closing date for submission of briefs by those not desiring to be heard, January 6, 1956.

Public hearings open January 17, 1956. The Interdepartmental Committee on Trade Agreements has issued on this day¹ a notice supplementing the notice dated September 21, 1955 and published September 23, 1955 (20 F. R. 7140) as corrected September 29, 1955 and published October 1, 1955 (20 F. R. 7345) relating to trade-agreement negotiations with foreign governments which are contracting parties to the General Agreement on Tariffs and Trade.

Annexed to the supplementary notice of the Interdepartmental Committee on Trade Agreements is a list of articles imported into the United States to be considered in trade-agreement negotiations of which notice has been given as stated above; this list supplements the list annexed to the notice by that Committee of September 21, 1955, and published September 23, 1955 (20 F. R. 7140), as corrected. The Committee for Reciprocity Information hereby gives notice that all applications for oral presentation of views in regard to any aspect of the proposals announced in the supplementary notice shall be submitted to the Committee for Reciprocity Information not later than 12:00 noon, January 6, 1956. Such applications must indicate the product or products on which the individuals or groups desire to be heard, and an estimate of the time required for such presentation. Persons who desire to be heard in regard to the foregoing proposals shall also submit written statements to the Committee for Reciprocity Information not later than 12:00 noon, January 6, 1956. Written statements of persons who do not desire to be heard shall be submitted not later than 12:00 noon, January 6, 1956. Such communications shall be addressed to "Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D. C." Fifteen copies of written statements, either typed, printed, or duplicated shall be submitted, of which one copy shall be sworn to.

Written statements submitted to the Committee, except information and business data proffered in confidence, shall be open to inspection by interested persons. Information and business data proffered in confidence shall be sub-

¹ See F. R. Doc. 55-9961, *supra*.

mitted on separate pages clearly marked "For official use only of Committee for Reciprocity Information."

Public hearings will be held before the Committee for Reciprocity Information, at which oral statements will be heard. The first hearing will be at 2:00 p. m., on January 17, 1956, in the Hearing Room in the Tariff Commission Building, Seventh and E Streets NW., Washington 25, D. C. Witnesses who make application to be heard will be advised regarding the time and place of their individual appearances. Appearances at hearings before the Committee may be made only by or on behalf of those persons who have filed written statements and who have within the time prescribed made written application for oral presentation of views. Statements made at the public hearings shall be under oath.

Persons or groups interested in import products may present to the Committee their views concerning possible tariff concessions by the United States on any product, whether or not included in the list annexed to the supplementary notice. However, as indicated in said notice, no tariff reduction or specific continuance of customs or excise treatment will be considered on any product which is not included in the list annexed to the public notice by the Interdepartmental Committee on Trade Agreements of September 21, 1955, and published September 23, 1955 (20 F. R. 7140) as corrected, the list annexed to the supplementary notice issued by said Committee on this date, or in a further supplementary public list.

The United States Tariff Commission has today announced* public hearings on the import items appearing in the list annexed to the supplementary notice to run concurrently with the hearings of the Committee for Reciprocity Information. Oral testimony and written information submitted to the Tariff Commission will be made available to and will be considered by the Interdepartmental Committee on Trade Agreements. Consequently, those whose interests relate only to import products included in said list, and who appear before the Tariff Commission, need not, but may if they wish, appear also before the Committee for Reciprocity Information.

Persons interested in exports may present their views regarding any tariff or other concessions that might be requested of the foreign governments with which negotiations are to be conducted. Any other matters appropriate to be considered in connection with the proposed negotiations may also be presented.

Copies of the list attached to the supplementary notice may be obtained from the Committee for Reciprocity Information at the address designated above and may be inspected at the field offices of the Department of Commerce.

All communications regarding this notice, including requests for appearance at hearings before the Committee for Reciprocity Information, should be addressed to the Secretary, Committee for

Reciprocity Information, Tariff Commission Building, Washington 25, D. C.

By direction of the Committee for Reciprocity Information this 9th day of December 1955.

EDWARD YARDLEY,
Secretary,
Committee for
Reciprocity Information.

[F. R. Doc. 55-9962; Filed, Dec. 12, 1955;
8:45 a. m.]

UNITED STATES TARIFF COMMISSION

INVESTIGATION AND HEARINGS IN CONNECTION WITH PROPOSED TRADE AGREEMENT NEGOTIATIONS WITH GOVERNMENTS WHICH ARE CONTRACTING PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

Public notice of investigation and hearings under section 3 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, as follows: Investigation No. 4—Supplement A. Supplemental list of articles for consideration in proposed trade agreement negotiations with contracting parties of GATT.

1. The final date for filing requests to testify at Tariff Commission public hearings is January 6, 1956.

2. The final date for filing written statements with the Tariff Commission is January 6, 1956.

3. Tariff Commission public hearings will begin on January 17, 1956.

4. Public announcements relating to supplemental listings in connection with proposed trade agreement negotiations previously announced have also been issued by the Interdepartmental Committee on Trade Agreements¹ and the Committee for Reciprocity Information,² and appear concurrently with this notice in the FEDERAL REGISTER.

The Interdepartmental Committee on Trade Agreements this day issued a supplemental announcement concerning proposed trade agreement negotiations. On the same day, in accordance with section 3 of the Trade Agreements Extension Act of 1951, as amended, the President furnished to the United States Tariff Commission a supplemental list (hereinafter referred to as the "President's supplemental list") of articles imported into the United States to be considered in proposed negotiations, and requested the Tariff Commission to make a "peril point" investigation and report with respect to each such article, as provided in said section 3 of the Trade Agreements Extension Act of 1951, as amended. A copy of the President's supplemental list is attached to the announcement of the Interdepartmental Committee on Trade Agreements published in the FEDERAL REGISTER concurrently with this notice.

A. Investigation instituted. Pursuant to section 3 of the Trade Agreements

Extension Act of 1951, as amended, and under the authority of section 332 of the Tariff Act of 1930, the United States Tariff Commission has this day instituted a supplemental investigation with respect to the articles included in the President's supplemental list.

B. Purpose of investigation. The purpose of the supplemental investigation is to obtain the facts necessary to enable the Tariff Commission to formulate findings (known as "peril point" findings) for inclusion in a report to the President with respect to each article included in the President's supplemental list as to (1) the limit to which the modification of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment may be extended in order to carry out the purpose of section 350 of the Tariff Act of 1930, as amended (Trade Agreements Act) without causing or threatening serious injury to the domestic industry producing like or directly competitive articles, and (2) if increases in duties or additional import restrictions are required to avoid serious injury to the domestic industry producing like or directly competitive articles, the minimum increases in duties or additional import restrictions required.

C. Written statements and public hearings. Parties interested will be given opportunity to present their views with respect to the subject matter of the investigation either by submission of written statements or by oral testimony at public hearings, or both. In order to permit, within the limited time and resources available, all interested parties to present information and views concerning the articles in the President's supplemental list in an orderly manner and with the least possible inconvenience to all concerned, the Commission has established the following procedure for submission of written statements and the conduct of hearings:

1. Written statements in lieu of appearance at hearings. Interested parties are urged to present their information and views through the submission of written statements in lieu of appearances at the public hearings. Such statements must be under oath and will be given the same consideration as oral testimony presented at the hearings, and, except for information submitted and accepted in confidence, will be made available for inspection by interested parties. Twenty copies of written statements shall be submitted, only one of which need be sworn to. Such statements should be submitted as early as possible, but not later than January 6, 1956.

2. Scope of written statements and oral testimony. Written statements and oral testimony must relate to articles included in the President's supplemental list, and must be confined to matters relevant to the purpose of the investigation as stated in B, above. At the beginning of any written statement that is read at the hearings, or any oral testimony given at the hearings, the article and tariff paragraph number to which

* See F. R. Doc. 55-9963, *infra*.

No. 241—5

¹ See F. R. Doc. 55-9961, *supra*.

² See F. R. Doc. 55-9962, *supra*.

the testimony relates should be specifically identified.

3. *Submission of information in confidence.* Information pertinent to the subject matter of the investigation which interested parties desire to submit in confidence may be submitted with written statements or at the time testimony is given at the hearings, on separate sheets, each clearly marked "Submitted in confidence."

4. *Appearance at public hearings.* The following information and instructions should be carefully studied by all persons interested in appearing at the public hearings in this investigation.

a. Requests to appear at the public hearings must be filed in writing (by letter separate from any written statement or brief) with the Secretary of the Commission on or before January 6, 1956. Such requests must contain the following information:

(1) The tariff paragraph number and a description of the article or articles on which testimony will be presented.

(2) The name and organization of the witness or witnesses who will testify, and the name, address, telephone number, and organization of the person filing the request.

(3) A brief indication of the position to be taken concerning the customs treatment of the articles affected.

(4) A careful estimate of the time desired for presentation of oral testimony by all witnesses for whom the request is filed.

NOTE. The Commission reserves the right to limit the time assigned to witnesses. In this connection, experience in similar previous hearings has indicated that in most cases the essential information can be effectively summarized in an oral presentation of 15 to 30 minutes. Because of the limited time available, parties desiring an allowance of time in excess of this amount should set forth any special circumstances in support of such request. Witnesses, may, of course, supplement their oral testimony with written statements of any desired length.

b. The Secretary of the Commission should be promptly notified of any changes in the request for appearance as originally filed.

c. It is suggested that parties who have a common interest in one or more of the articles listed endeavor, wherever possible, to arrange for a consolidated presentation of their views.

5. *Date and conduct of hearings.* a. The public hearings in this investigation will commence at 10:00 o'clock a. m. on Tuesday, the 17th day of January 1956, in the Hearing Room of the Tariff Commission Building, Eighth and E Streets NW., Washington, D. C. The hearings will be held each day from 10:00 a. m. to about 1:00 p. m., and are scheduled to be concluded not later than Friday, January 20, 1956.

b. Parties who have properly entered their appearance by January 6, 1956, as indicated under paragraph C, 4, above, will be individually notified of the date on which they are scheduled to appear. Such notifications will be sent as soon as possible after the closing date for requests to appear (January 6, 1956)

c. Questioning of witnesses will be limited to members of the Commission.

6. *Related hearings before the Committee for Reciprocity Information.* Published concurrently with this notice is an announcement by the Committee for Reciprocity Information regarding public hearings to be held by that Committee on the articles included in the President's Supplemental list, and on other matters, to begin on January 17, 1956. Arrangements will be made to permit persons desiring to appear at both Tariff Commission and Committee for Reciprocity Information hearings to do so without conflict in scheduling, and, where possible, to present their testimony at both hearings on the same day. Oral testimony and written statements of interested parties received by the Tariff Commission in connection with this investigation will be made available by the Tariff Commission to the Committee for Reciprocity Information. Accordingly, as stated in the Committee for Reciprocity Information notice, appearance before the Committee for Reciprocity Information for the purpose of submitting the same information, although permissible, will not be necessary.

Likewise, oral or written statements presented to the Committee for Reciprocity Information will be made available to, and carefully considered by, the Tariff Commission, and need not be separately presented to the latter agency.

E. *Communications to be addressed to Secretary.* All communications regarding the Tariff Commission investigation, including requests for appearance at the Tariff Commission hearings, should be addressed to the Secretary, United States Tariff Commission, Washington 25, D. C.

By direction of the United States Tariff Commission.

[SEAL]

DONN N. BENT,
Secretary.

[F. R. Doc. 55-9963; Filed, Dec. 12, 1955;
8:45 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53966; Treasury Department Order
165, Rev.—Amdt. 1]

COMMISSIONER OF CUSTOMS

DELEGATION OF AUTHORITY TO TAKE FINAL ACTION IN CERTAIN PENALTY CASES

DECEMBER 5, 1955.

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 (3 CFR, 1950 Supp. Ch. III) it is hereby ordered that subparagraph (h) of paragraph 1 of Treasury Department Order No. 165, Revised, issued on November 2, 1954 (T. D. 53654, 19 F. R. 7241), is amended by substituting a comma for the period at the end thereof and adding: "except that such approval shall not be required with respect to any forfeiture incurred under section 27, Merchant Marine Act, 1920, as amended (46 U. S. C. 883), if it is determined by the Commissioner of Customs or a subordinate in the Bureau of Customs designated by the said Commissioner that the violation

occurred as a direct result of an arrival of the transporting vessel in distress."

[SEAL]

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-9978; Filed, Dec. 12, 1955;
8:48 a. m.]

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, Supp. 116]

PUBLIC SERVICE MUTUAL INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

DECEMBER 6, 1955.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U. S. C. secs. 6-13, as an acceptable surety on Federal bonds. An underwriting limitation of \$284,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of Company, Location of Principal Executive Office and State in which Incorporated: New York; Public Service Mutual Insurance Company, New York.

[SEAL]

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 55-9980; Filed, Dec. 12, 1955;
8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 7464, 7465, 7460]

BRITISH OVERSEAS AIRWAYS CORP.

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled applications is assigned to be held on December 15, 1955, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., December 8, 1955.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner

[F. R. Doc. 55-9992; Filed, Dec. 12, 1955;
8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8730, 8840; FCC 55M-1013]

WWSW, INC. AND PITTSBURGH RADIO SUPPLY HOUSE, INC.

ORDER SCHEDULING HEARING

In re applications of WWSW, Inc., Pittsburgh, Pennsylvania, Docket No. 8730, File No. BPCT-254, Pittsburgh Ra-

dio Supply House, Inc., Pittsburgh, Pennsylvania, Docket No. 8840, File No. BPCT-345; for television construction permits.

It is ordered, This 5th day of December 1955, that Hugh B. Hutchison will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 18, 1956, in Washington, D. C.

Released: December 8, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9996; Filed, Dec. 12, 1955;
8:51 a. m.]

[Docket Nos. 11484, 11485; FCC 55M-1014]

B. H. MOONEY ET AL.

ORDER AFTER PREHEARING CONFERENCE
AND CONTINUANCE

In re application of Jane F. Mooney, B. H. Mooney, Jr., and J. F. Mann, co-executors of the estate of B. H. Mooney, deceased (transferor) and Burgett H. Mooney, Jr. (transferee), Docket No. 11484, File No. BTC-1954; for consent to transfer of control of News Publishing Company, licensee of Station WLAQ Rome, Georgia.

In re application of News Publishing Company, Docket No. 11485, File No. BR-1512; for renewal of license of Station WLAQ, Rome, Georgia.

Appearances. Mr. Marcus Cohn of Washington, D. C., on behalf of all applicants, and Mr. Ray Paul of Washington, D. C., on behalf of the Chief, Broadcast Bureau, Federal Communications Commission.

1. An informal prehearing conference was conducted on November 30, 1955, in which counsel for the applicants and for Bureau participated as indicated in the above statement of appearances. A memorandum of the matters discussed in conference has been provided to each attorney. The agreements that were reached and the matters that were settled in conference are set out herein.

2. Counsel for the parties will confer before the hearing in order to agree upon factual statements and stipulations to be incorporated into the hearing record; the agreements will embrace such facts and information in the Commission's files and records as pertain to the hearing issues, and all other undisputed evidentiary material.

3. Applicants expect at the hearing to offer oral testimony by the individual who has been the most active of the various officers, directors and stockholders in the applicant licensee since the time the application for construction permit was filed; in addition, the applicants will have available for cross-examination the proposed transferee.

4. At the further informal conference between counsel consideration will be given to defining or limiting the scope of the evidence to be offered, including, but not limited to, a statement of position concerning the materiality or probative

value of evidence upon the character qualifications of the principals involved in this proceeding.

5. It was agreed that the date for the commencement of the hearing should be changed from Monday, December 19, 1955, to Tuesday, December 20, 1955, so as to accommodate the mutual conveniences of counsel and of the Hearing Examiner.

It is ordered, This 5th day of December 1955, that the hearing to be held in this proceeding shall be governed by the provisions hereinabove stated to the extent of their applicability and

It is further ordered, That the hearing date is continued from Monday, December 19, 1955, to Tuesday, December 20, 1955.

Released: December 6, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9397; Filed, Dec. 12, 1955;
8:51 a. m.]

[Docket Nos. 11503, 11504; FCC 55M-1010]

HARRY LAURENCE HILL AND ARLINE S.
HODGINS

ORDER CONTINUING HEARING

In re applications of Harry Laurence Hill, Fort Lupton, Colorado, Docket No. 11503, File No. BP-9842, Arline S. Hodgins, Brighton, Colorado, Docket No. 11504, File No. BP-9845, for construction permits.

The Hearing Examiner having under consideration an oral request for a continuance of this proceeding;

It appearing that an informal prehearing conference pursuant to section 1.813 of the rules was held on December 5, 1955, at which time counsel for Arline S. Hodgins requested a continuance and other parties to the case concurred in the request; and

It further appearing that good cause exists for granting of the continuance;

It is ordered, This 5th day of December 1955, that the date for exchanging exhibits is continued from December 7 to January 5, 1956, and the date upon which the hearing will commence is continued from December 19 to February 20, 1956.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9393; Filed, Dec. 12, 1955;
8:51 a. m.]

[Docket No. 11539, etc.; FCC 55M-1016]

MUSSER BROADCASTING CO. ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Sam Ferguson Musser and Gloria G. Musser d/b as Musser Broadcasting Company, Elizabethtown, Pennsylvania, Docket No. 11539, File No. BP-9693; Will Groff

tr/as Colonial Broadcasting Company, Elizabethtown, Pennsylvania, Docket No. 11540, File No. BP-9759; H. Raymond Stadium, Lester P. Etter and M. Leonard Savage d/b as Radio Columbia, Columbia, Pennsylvania, Docket No. 11541, File No. BP-9940; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 5th day of December 1955, that all parties, or their attorneys, are directed to appear for a pre-hearing conference, pursuant to the provisions of section 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., December 13, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9339; Filed, Dec. 12, 1955;
8:51 a. m.]

[Docket Nos. 11551, 11552; FCC 55M-1017]

RADIO KYNO, THE VOICE OF FRESNO AND
WRATHER-ALVAREZ BROADCASTING, INC.
(KFMB)

ORDER SCHEDULING HEARING

In re applications of Amelia Schuler, Lester Eugene Chenault and Bert Williamson, d/b as Radio KYNO, The Voice of Fresno (KYNO), Fresno, California, Docket No. 11551, File No. BP-9511, Wrather-Alvarez Broadcasting, Inc. (KFMB), San Diego, California, Docket No. 11552, File No. BP-9794; for construction permits.

It is ordered, This 5th day of December 1955, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 8, 1956, in Washington, D. C.

Released: December 8, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10000; Filed, Dec. 12, 1955;
8:51 a. m.]

[Docket Nos. 11553, 11554; FCC 55M-1018]

HAZARD BROADCASTING CORP. AND PERRY
COUNTY BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of Hazard Broadcasting Corporation, Hazard, Kentucky, Docket No. 11533, File No. BP-9726; Claude P. Stephens and Frank L. Jones d/b as Perry County Broadcasting Company, Hazard, Kentucky, Docket No. 11554, File No. BP-9849; for construction permits.

It is ordered, This 5th day of December 1955, that H. Gifford Iron will preside at the hearing in the above-entitled proceeding which is hereby scheduled to

commence on February 15, 1956, in Washington, D. C.

Released: December 8, 1955.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10001; Filed, Dec. 12, 1955;
8:51 a. m.]

[Docket Nos. 11555, 11556; FCC 55M-1016]

JOHN F SHEA AND GREENVILLE BROADCASTING CORP. (WGYV)

ORDER SCHEDULING HEARING

In re applications of John F Shea, Montgomery, Alabama, Docket No. 11555, File No. BP-9947; Greenville Broadcasting Corporation (WGYV), Greenville, Alabama, Docket No. 11556, File No. BP-9953; for construction permits.

It is ordered, this 5th day of December 1955, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 17, 1956, in Washington, D. C.

Released: December 8, 1955.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10002; Filed, Dec. 12, 1955;
8:51 a. m.]

[Docket No. 11564, etc.; FCC 55M-1020]

MINERS BROADCASTING SERVICE, INC., ET AL.

ORDER SCHEDULING HEARING

In re applications of Miners Broadcasting Service, Inc., West Chester, Pennsylvania, Docket No. 11564, File No. BP-8925; Rollins Broadcasting of Delaware, Inc., Philadelphia, Pennsylvania, Docket No. 11565, File No. BP-9500; Lawrence M. C. Smith, d/b as Franklin Broadcasting Company, Philadelphia, Pennsylvania, Docket No. 11566, File No. BP-9633; for construction permits.

It is ordered, This 5th day of December 1955, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 16, 1956, in Washington, D. C.

Released: December 8, 1955.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10003; Filed, Dec. 12, 1955;
8:51 a. m.]

[Docket No. 11567; FCC 55M-1019]

CHARLES W. STONE

ORDER SCHEDULING HEARING

In re application of Charles W Stone, Fort Lauderdale, Florida, Docket No.

11567, File No. BP-9626; for construction permit.

It is ordered, This 5th day of December 1955, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 16, 1956, in Washington, D. C.

Released: December 8, 1955.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10004; Filed, Dec. 12, 1955;
8:51 a. m.]

[Docket No. 11569; FCC 55-1206]

WILLIAMSPORT RADIO BROADCASTING ASSOCIATES, INC. (WARC)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Williamsport Radio Broadcasting Associates, Inc. (WARC) Milton, Pennsylvania, Docket No. 11569, File No. BP-9856; for construction permit.

1. The Commission has before it for consideration separate protests filed on November 4, 1955, by the Lycoming Broadcasting Company, licensee of Station WLYC, Williamsport, Pennsylvania (1050 kc, 1 kw, Day), and John S. Booth, permittee of Station WMLP, Milton, Pennsylvania (1570 kc, 1 kw Day), pursuant to section 309 (c) of the Communications Act of 1934, as amended, protesting the Commission's action of October 5, 1955 (released October 6, 1955), granting without hearing the above-entitled application of Williamsport Radio Broadcasting Associates, Inc., for a construction permit for a new standard broadcast station, WARC, to operate on 1380 kilocycles with a power of 1 kilowatt, daytime only, at Milton, Pennsylvania; and an opposition to the said protests filed on November 21, 1955, by Williamsport Radio Broadcasting Associates, Inc. The applicant is licensee of Station WWPA, Williamsport, Pennsylvania (1340 kc, 250 w, Unl.) The city of Williamsport, with a population of 45,047, is located approximately 17 miles northwest of Milton, Pennsylvania, which has a population of 8,578.

2. John S. Booth claims that he is a party in interest within the purview of section 309 (c) of the Communications Act of 1934, as amended, because he is permittee of Station WMLP which has "commenced operation" in Milton, Pennsylvania, where the applicant proposes to operate, and that both stations will be in direct competition for listeners and advertising revenues. The Lycoming Broadcasting Company claims that it is a party in interest under 309 (c) because "further competition would result from a grant of the pending application * * * and it will suffer economic injury in its operation of Station WLYC." In support of their respective protests, Stations WMLP and WLYC contend that field intensity measurements show that the 0.5 mv/m contours of WARC and WWPA

overlap in an area which constitutes about 50 percent of the WWPA service area; that the 0.5 mv/m contour of WARC encompasses and extends beyond Williamsport, Pennsylvania; that the 2 mv/m contours of WARC and WWPA overlap in an area of 20.3 square miles with a population of 798 people; that the 0.5 mv/m contours and not the 2 mv/m contours must be controlling for purposes of interpreting section 3.35 (a), that "further" concentration of control of media of mass communication in the Milton-Williamsport area would result from a grant because parties to the applicant own WWPA and have substantial interests in The Grift, the "only Sunday newspaper published in the Williamsport area", and in the Rialto Theatre, Williamsport, which "also disseminates entertainment, and news and information to the public in the Williamsport area"; that there is grave doubt that WARC will provide a local broadcast service to Milton since the stockholders are all residents of Williamsport and that WARC and WWPA will have the same manager and program director, both of whom will presumably live in Williamsport; that WARC will be only a "satellite" of WWPA, that Milton will receive adequate service from WMLP; and that a full evidentiary hearing is necessary to determine the above matters.

3. In its above-described opposition, Station WARC concedes that both WMLP and WLYC are "parties in interest" within the meaning of section 309 (c) of the Communications Act but contends that "their allegations in regard to overlap of contours and concentration of control of mass communication media do not show that if established at a hearing the grant [of WARC] contravened the public interest, convenience and necessity" and that the protestants' erroneous conclusion that WARC will be operated as a satellite station of WWPA is not supported by the facts given, and, accordingly the protests should not be granted.

4. In view of the facts that John S. Booth is the permittee of standard broadcast station WMLP in Milton, Pennsylvania, where the applicant proposes to operate and that both will be in direct competition; that the Lycoming Broadcasting Company is licensee of Station WLYC, Williamsport, Pennsylvania, and will compete with the applicant's proposed station for advertising revenues; and that each protestant has alleged that it will suffer economic injury as a result of the grant complained of, we find that each of the above-named protestants is a "party in interest" within the meaning of section 309 (c) of the Communications Act of 1934, as amended. T. E. Allen and Sons, Inc., 9 Pike and Fischer RR 197; Federal Communications Commission v. Sanders Brothers Radio Station, 309 U. S. 407 (9 Pike and Fischer RR 2008) We find further that the facts, matters and things relied upon by each of the protestants have been specified with sufficient particularity to warrant designating the above-entitled application for hearing.

5. In view of the foregoing: It is ordered, That, pursuant to section 309

(c) of the Communications Act of 1934, as amended, effective immediately, the effective date of the grant of the above-entitled application is postponed pending a final determination by the Commission in the hearing described below with respect to the protests of John S. Booth and the Lycoming Broadcasting Company and that the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

1. To determine whether the proposed operation will be consistent with section 3.35 of the Commission's Rules and Regulations.

2. To determine whether, in view of the ownership interests of the officers, directors and stockholders of applicant, a grant of the application would result in an undue concentration of control of media of mass communication in the Williamsport-Milton, Pennsylvania, area.

3. To determine whether the proposed station at Milton, Pennsylvania, will be operated as a truly local broadcast facility designed to serve the needs and expressions of the community in which it is located rather than the larger adjoining community of Williamsport.

4. To determine whether, on the basis of the evidence adduced at the above hearing, the grant of the above-entitled application should be set aside.

The burden of proof as to each of the above issues shall be on each of the protestants.

It is further ordered, That each of the protestants and the Chief, Broadcast Bureau, are hereby made parties to the above-described proceeding and that:

(a) The hearing on the above issues shall commence at 10:00 a. m. on January 23, 1956, before an Examiner of the Commission; and

(b) The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The parties intending to participate in the hearing herein shall file their appearances not later than December 27, 1955.

Adopted: December 5, 1955.

Released: December 6, 1955.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-10005; Filed, Dec. 12, 1955;
8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-4558, G-9031]

NELSON BUNKER HUNT TRUST ESTATE

NOTICE OF APPLICATIONS AND DATE OF
HEARING

DECEMBER 7, 1955.

Take notice that Nelson Bunker Hunt Trust Estate (Applicant) a Texas trust estate and independent producer with its principal place of business in Dallas,

Texas, filed on October 25, 1954, as supplemented June 13, 1955, an application in Docket No. G-4558 for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the acts or operations hereinafter described.

In the first transaction, Applicant produces natural gas from acreage located in the East Haynesville Field, Claiborne Parish, Louisiana, and delivers and sells such gas to Arkansas Louisiana Gas Company under the terms of a contract dated July 19, 1950, as amended. The price of such gas as of June 7, 1954, was 10.346 cents per Mcf. with average daily deliveries of approximately 2,000 Mcf. In the second transaction, Applicant produces casinghead gas from acreage located in the Starr County Northeast Field, Starr County, Texas and such gas is delivered and sold to Transcontinental Gas Pipe Line Company (Transcontinental) by Sun Oil Company (Sun) under the terms of a contract between Transcontinental and Sun dated September 24, 1947, as amended. Applicant is not a party to the contract between Transcontinental and Sun. Sun, operator of a processing plant, disposes of Applicant's residue gas under the terms of two contracts. One contract, a processing agreement dated May 23, 1951, as amended, is concerned with casinghead gas produced from the B. P. Gonzales lease. The other involves disposition of casinghead gas produced by the M. Pena Unit, and in which Sun is designated unit operator. Under both agreements Sun must dispose of Applicant's interest in the residue gas in the absence of an election by Applicant to take in kind or separately sell such gas. The total amount of residue gas attributable to Applicant's interests is less than 1,000 Mcf. a day, and the price paid by Transcontinental is approximately 7 cents per Mcf.

On June 13, 1955, Applicant filed Amendment No. 1 to its application stating that its application was limited to a request for authorization to "• • • sell natural gas to Transcontinental Gas Pipe Line Corporation until July 15, 1955, and not afterwards, • • •"

Take notice that Applicant filed, on June 13, 1955, an application in Docket No. G-9031 for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing delivery and sale of natural gas to Tennessee Gas Transmission Company (Tennessee), under the terms of a contract dated April 5, 1955. The source of the gas proposed to be sold to Tennessee is the same as that now purchased by Transcontinental in Docket No. G-4558, as heretofore described.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a formal hearing be held on January 4, 1956, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the

applications in Docket Nos. G-4558 and G-9031.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 28, 1955. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9382; Filed, Dec. 12, 1955;
8:48 a. m.]

[Docket No. G-8530]

MORRIS MIZEL ET AL.

NOTICE OF APPLICATION AND DATE OF
HEARING

DECEMBER 7, 1955.

In the matters of Morris Mizel, Herman Sanditen, Mary Kurtz Sanditen and Isabel R. Sanditen.

Take notice that Morris Mizel, individually and representing Herman Sanditen, Mary Kurtz Sanditen and Isabel R. Sanditen, all individuals whose addresses are Kennedy Building, Tulsa, Oklahoma, hereinafter referred to as Applicant, filed, on February 28, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of 640 acres, Hugoton Field, Finney County, Kansas, to Colorado Interstate Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, January 17, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 28, 1955. Failure of any party to appear at and participate in the hear-

NOTICES

ing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9983; Filed, Dec. 12, 1955;
8:48 a.m.]

[Docket No. G-8874]

ANDERSON-PRICHARD OIL CORP.

NOTICE OF APPLICATION AND DATE OF
HEARING

DECEMBER 7, 1955.

Take notice that Anderson-Prichard Oil Corporation (Applicant), a Delaware corporation whose address is Liberty Bank Building, Oklahoma City, Oklahoma, filed on May 9, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of a dually completed well on the 40 acre Holdslaw-Ross Unit Lease and the underlying 80 acre Hart Sand Unitized Tract, Golden Trend Field, Garvin County Oklahoma, to Warren Petroleum Corporation, Cities Service Oil Company, Kerr-McGee Oil Industries, Inc., Oklahoma Natural Gas Company and The Texas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, January 16, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the inter-

mediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9984; Filed, Dec. 12, 1955;
8:49 a.m.]

[Docket No. G-9477]

JOHN B. HAWLEY, JR.

NOTICE OF APPLICATION AND DATE OF
HEARING

DECEMBER 7, 1955.

Take notice that John B. Hawley, Jr. (Applicant), an individual whose address is % Northern Pump Company, Columbia Heights P. O., Minneapolis 21, Minnesota, filed on October 13, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of 40 acres of the 160 acres of the Oakuly No. 1 Gas Unit, Hugoton Gas Field, Grant County, Kansas, to Colorado Interstate Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, January 16, 1956, at 9:40 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9985; Filed, Dec. 12, 1955;
8:49 a.m.]

[Docket No. G-9481]

EDWARD C. BOLTON

NOTICE OF APPLICATION AND DATE OF
HEARING

DECEMBER 7, 1955.

Take notice that Edward C. Bolton (Applicant), an individual whose address is P. O. Box 2448, Waco, Texas, filed on October 13, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of the 320 acre E. C. Bolton Lease West Panhandle Field, Hutchinson County, Texas, to Frank C. Henderson Trust No. 2 and Elizabeth P. Henderson Trust No. 2 for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, January 16, 1956, at 9:50 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9986; Filed, Dec. 12, 1955;
8:49 a.m.]

[Docket No. G-8691]

CITY OF FRANKLIN, GA.

NOTICE OF CONTINUANCE OF HEARING

DECEMBER 5, 1955.

Upon consideration of the request by Counsel for City of Franklin, filed December 2, 1955, for continuance of the

hearing in the above-designated matter, now scheduled for December 15, 1955;

The hearing now scheduled for December 15, 1955, is hereby postponed to February 6, 1956, at 10:00 a. m. in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9987; Filed, Dec. 12, 1955;
8:49 a. m.]

[Docket No. G-9253 etc.]

MONTANA-DAKOTA UTILITIES CO. ET AL.

NOTICE OF CONTINUANCE OF HEARING

DECEMBER 6, 1955.

In the matters of Montana-Dakota Utilities Co., Docket No. G-9253; Signal Oil and Gas Company, Docket No. G-9228; Amerada Petroleum Corporation, Docket No. G-9190.

Upon consideration of the telegraphic request by Counsel for the North Dakota Commission, filed December 5, 1955, for continuance of the hearing in the above-designated matters, now scheduled for December 19, 1955;

The hearing now scheduled for December 19, 1955, is hereby postponed to

January 10, 1956, at 10:00 a. m. in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9988; Filed, Dec. 12, 1955;
8:49 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 70]

VIRGINIA

DECLARATION OF DISASTER AREA

Whereas it has been reported that during the month of August 1955, because of the disastrous effects of floods in the Rappahannock River caused by hurricanes, damage resulted to oyster beds located in certain areas in the State of Virginia; and

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from oyster growers whose property situated in the following counties (including any areas adjacent to the counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Essex, Lancaster, Middlesex, Richmond.

Small Business Administration Regional Office, 809 North Lombardy Street, Richmond 20, Virginia.

2. A special field office to receive such applications will not be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to May 31, 1956.

Dated: November 18, 1955.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 55-9983; Filed, Dec. 12, 1955;
8:50 a. m.]

